



*Report  
to  
The LEGISLATIVE FINANCE COMMITTEE*



Department of Public Safety  
Review of Management Practices and Staffing Levels  
November 16, 2005

Report # 06-02

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November 16, 2005

John Denko, Secretary  
Department of Public Safety  
4491 Cerrillos Road  
Santa Fe, New Mexico 87501

Dear Secretary Denko,

On behalf of the Legislative Finance Committee (committee), I am pleased to transmit the review of management practices of the Department of Public Safety (department).

In recent years, the department has claimed severe manpower shortages and difficulties in recruiting, graduating and retaining officers, and in meeting performance targets. These persistent claims of manpower shortages initiated further inquiry by the committee to determine the root cause(s). The review team evaluated agency-wide policies, procedures, and rules; 2005 compensation increase for commissioned officers; 2003 - 2005 statistics on disciplinary actions; grievances filed in calendar year 2005; payroll records for FY04 and FY05; officer activity tracking database records for FY03 through FY05, and past, current and proposed performance measures; and conducted limited research of similar agencies in New Mexico and other states.

The report will be presented to the committee on November 16, 2005. We very much appreciate the cooperation and assistance we received from you and your staff. Discussions were held with your staff to address any concerns before the exit conference, which was conducted on November 14, 2005.

The committee expects a corrective action plan from the department within 30-days from the date of the hearing. Staff will continuously monitor your progress.

I believe that this report addresses issues the committee asked us to review and hope the New Mexico Department of Public Safety will benefit from our efforts. Thank you for your cooperation and assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Abbey".

David Abbey  
Director  
DA/AS:lg

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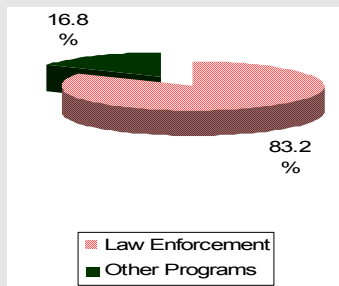
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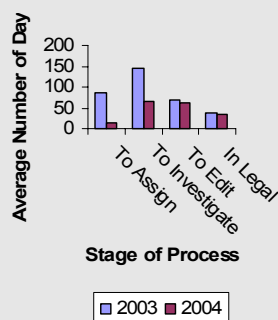
**Law Enforcement Program General Fund Appropriation for FY06**



*The governor's security detail increased 55 percent in FY04.*

*Policies are taking up to eight months to review and approve.*

**Disciplinary Process Cycle Time**



The objective of this review was to determine if the Department of Public Safety (department) has adequate systems in place to manage for results. All sub-objectives except the organizational structure and allocation of funds for Homeland Security were completed.

The department's statutory purpose is to establish a single, unified department to consolidate state law enforcement and safety functions to provide better management, real coordination and more efficient use of state resources and manpower in responding to New Mexico's public safety needs and problems and to improve the professionalism of the state's law enforcement and investigative functions and personnel. The contents of this report will show that the department is only partially fulfilling its statutory purpose.

The law enforcement program (program) is comprised of the New Mexico State Police (NMSP), Motor Transportation Division (MTD), Special Investigations Division (SID) and the Law Enforcement Academy. It has 1,024 authorized positions and in FY06 received \$60.3 million of the total general fund dollars appropriated to the department.

Growth in the chief's office during FY04 was primarily structural; job functions did not change. The only significant growth occurred in the governor's security detail, which grew from nine to 14 agents.

Each year, NMSP officers patrol 12,000 road miles. During FY05, NMSP drove more than 13 million miles while responding to more than 200,000 calls for service and issuing approximately 174,000 citations. It investigated 7,154 crashes, conducted 781 saturation patrols and checkpoints and participated in numerous community-related activities.

**Policies, Discipline and Support.** The department's internal policy-development process is cumbersome. Ideally, a policy should be reviewed within 45 days; in reality, it is taking up to eight months or more. Of the 125 policies, the secretary has approved only 10.

Letters placing officers on paid administrative leave do not clearly state how long the officer will be on administrative leave and do not always provide a reason. No distinction is made between administrative leave and administrative suspension pending the outcome of an administrative investigation.

The disciplinary process does not include timeframes; the average number of days from the date a complaint is filed to date of closure

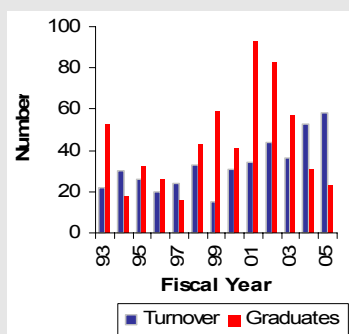


has decreased by 26 percent, from 358 days in 2003 to 266 days in 2004. Insufficient staffing contributes to delays.

Disciplinary actions varied, depending on the officer's history, the severity of the infraction and the potential danger posed to the public. Disciplinary actions did not appear to vary if infractions were of similar nature or number. The department promptly and fairly investigates all alleged discriminatory acts.

Administrative staffing appears adequate based on a Society for Human Resource Management benchmark, but additional training maybe needed. In FY04, the department achieved compliance with only one of six Department of Finance and Administration (DFA) standards of financial excellence.

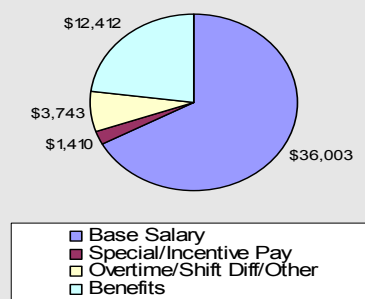
**NMSP Officers Leaving and Graduating**



**Recruitment, Compensation and Retention.** NMSP's inflexibility in allowing applicants to substitute appropriate experience for the college-education requirement limits the pool of available applicants and contributes to manpower shortage. Experienced officers wishing to transfer to NMSP are required by law to attend the full 18-week recruit academy, rather than an abbreviated course of training specific to NMSP requirements and adapted for individuals with relevant law enforcement experience.

Training academy duration and recruit compensation are comparable with other states surveyed; however, the way the training is offered and pay is earned may present barriers to successful recruiting. The pay may be competitive for individuals without law enforcement experience, but is a disincentive for experienced officers wanting to transfer laterally in to NMSP. The department has not been able to attract and graduate enough officers to keep pace with those leaving, but the recruit graduation rate is respectable.

**Average Annual Compensation for Commissioned Staff**



The pay plan for officers has not been updated since 1998. NMSP pay is comparable with most other states and municipalities surveyed. However, pay increases offered subsequent to employment may negatively affect retention. Up to 32 percent of officers who left NMSP in FY04 and FY05 might have done so because of insufficient pay. Based on a compensation sample of 45 NMSP patrolmen and sergeants, the average annual salary plus benefits is \$53,568. Incentives for rural post-of-duty and being bilingual should be considered.

*Turnover might be linked to poor working conditions.*

Exit interviews are not conducted to determine root causes for turnover, which steadily climbed to a 13-year high of 9.3 percent for patrol officers in FY05. Beginning in FY01, resignations outpaced retirements - for every 1.5 officers who resigned, one officer retired. Fifty-six percent either gave no reason or no letter was found in the

department's files. Excessive vacancy rates in SID and MTD may indicate that public safety is compromised by more than just high patrol officer vacancy rates.

The New Mexico Police Association survey published in April 2005 reported that an overwhelming percentage of officers responding to the survey were dissatisfied with the performance of the chief and the secretary, 76 percent and 87 percent, respectively. The internal department survey also showed that morale has declined.

**Performance Measures.** Current General Appropriations Act (GAA) and key measures are insufficient to account for the law enforcement program's diversity. Outcome indicators used are good, but have limitations and need to be supplemented with additional activity measures. Performance results should be reported by region or district to highlight geographic variables, levels of service provided and service quality.

The department's target-setting process is flawed - some targets are adjusted by a set percent each year instead of using data that reflects actual and projected resources and performance. New performance measures are frequently introduced, creating confusion and benchmarking challenges and diluting accountability. Results could be duplicated for only one of 10 measures.

**Manpower: Staffing and Allocation.** The department uses the police allocation manual (model), a comprehensive model of best procedures, to determine appropriate staffing levels and deployment patterns of agencies whose primary duty is patrolling roadways. It cannot be used for reactive law enforcement functions such as investigations.

The recalculated department-wide number of patrol officers and sergeants needed were insignificant, but major differences exist between projected needs and authorized positions.

Patrol Officers			Sergeants		
LFC Calculation	DPS Calculation	Authorized Positions	LFC Calculation	DPS Calculation	Authorized Positions
600	595	337	96	83	61

Increasing the frequency that highways are patrolled may provide better coverage and improve the safety of the motoring public. Projections based on increasing patrol frequency by a factor of two indicate the need for 167 more district officers than the initial projection.

Data entered in the officer activity tracking database accurately reflects the activity, but is not necessarily reliable for projecting

*Performance measures for the program should be expanded.*

*Changing measures dilute accountability.*

*Data is not reliable for staffing projections or performance reporting.*

*Increasing patrol frequency might enhance public safety.*

*Districts do not rely on central database.*

staffing needs because the database is badly designed, and districts receive fewer officers than needed for the activity handled. Districts do not rely on centrally produced data, opting instead to maintain internal statistics on separate spreadsheets.

**Recommendations.** The department should consider the following:

*Streamline internal policy development.*

*Amend statute to disallow pay while cases are on appeal and relax academy requirements for experienced officers.*

*Update the pay plan for officers.*

*Use best practices to address hiring and retention issues.*

*Adopt a more complete set GAA and key measures.*

*Upgrade the central database.*

*Request actual staffing needs.*

- Streamline internal policy development by
  - Changing the consecutive process to concurrent,
  - Creating a review committee to immediately address the most critical policies, and
  - Dedicating additional staff to the process;
- Add details to letters of contemplated personnel action, including the reason for the leave, beginning and ending dates and expectations during leave;
- Build reasonable timeframes into the disciplinary process, request additional staff to hear appeals, and amend the statute to disallow officers from receiving pay while their cases are on appeal;
- Consider amending the statute to allow greater flexibility regarding the education and experience requirement for officers and to allow for abbreviated training specific to NMSP requirements and adapted for individuals with relevant law enforcement experience, and consider a higher pay rate during training for experienced officers;
- Update the pay plan for entry-level officers with appropriate salary steps that reflect consideration to work experience, education, skills, training and location, review the probationary requirements and promotion policies, and adjust salaries with greatest pay disparities first, rather than granting across-the-board increases;
- Conduct exit interviews with all employees who resign, document and analyze turnover and vacancies, proactively address retention issues, and allow a short grandfathering-in period to new promotional standards;
- Adopt additional GAA outcome indicators and key measures that report on the full range of department activities and support all critical goal areas, establish targets that are realistic and achievable, and develop and adopt a stable set of measures.
- Upgrade the officer activity tracking database to report program-wide information acceptable to all users and capable of reporting consistently and completely on all law enforcement program activities and ensure that changes to the database address all conditions noted in this report.
- Request the number of officers based on the model, even if funding from the legislature might not be available or if the department might not be able to fill all positions.



**Background.** Section 9-19-3 NMSA 1978 created the Department of Public Safety (department) as a cabinet-level department consisting of seven divisions as follows:

- New Mexico state police,
- special investigations,
- training and recruiting,
- technical and emergency support,
- administrative services,
- motor transportation, and
- information technology.

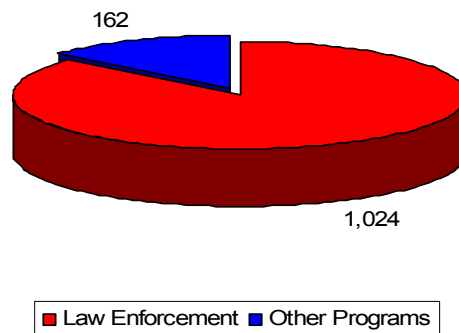
The department has five programs comprised of the statutory divisions: law enforcement, public safety support, information technology, accountability and compliance support, and office of emergency management. In FY07, the department requested it be allowed to combine the public safety support program, the information technology program, and the accountability and support program into a newly created program, program support, because the secretary has three deputy secretaries and wants each to be responsible for one program. The Department of Finance and Administration (DFA) has approved the change.

Over the past year the department has undertaken the monumental task of reviewing, revising, rescinding or creating new policies to be eligible for accreditation by a nationally recognized organization, the commission on law enforcement accreditation (CALEA).

The primary focus of this review is on the law enforcement and program support programs. The law enforcement program is comprised of the New Mexico state police (NMSP), motor transportation (MTD), special investigations, and the law enforcement academy.

The program has 1,024 authorized full-time-equivalent (FTE) positions, which include commissioned officers, dispatchers, commercial vehicle inspectors, and administrative support personnel. The NMSP is made up of 12 districts encompassing several counties. Each district operates seven days per week, 24-hours per day and is commanded by a captain. The map at Exhibit 1 shows the districts, number of officers assigned, and the approximate number of miles officers must patrol in each district. Program support provides administrative assistance to all department programs.

**Figure 1. Law Enforcement Program Authorized FTE for FY06**

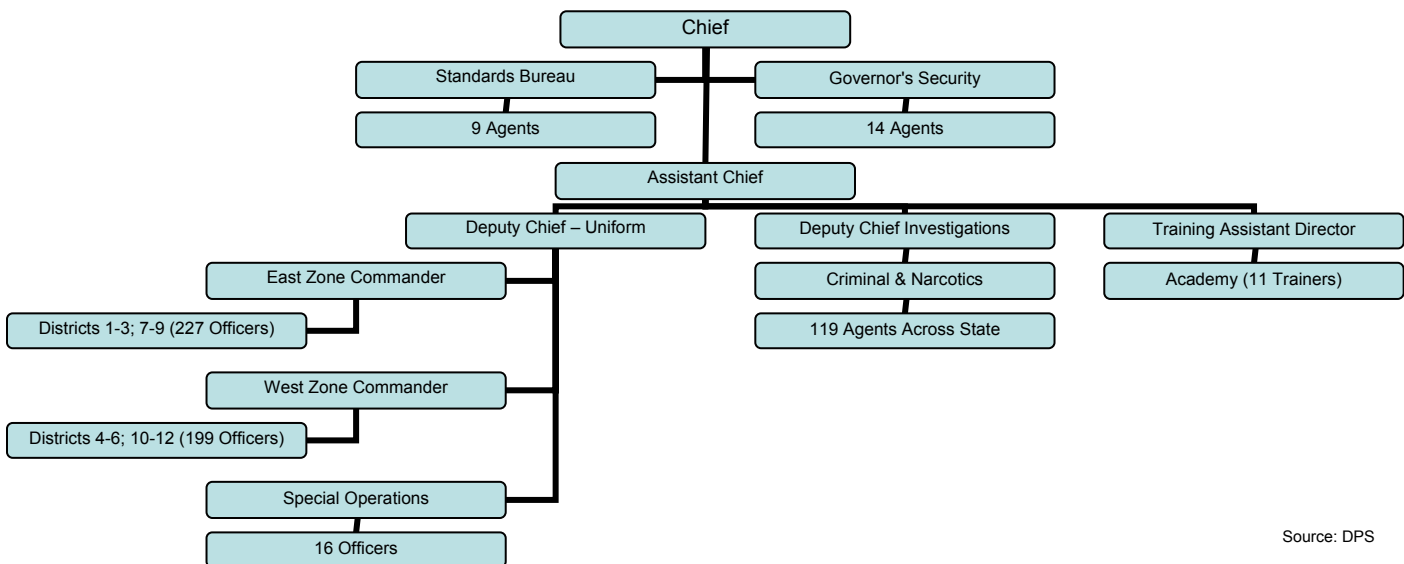


Source: Laws 2005

Growth in the chief's office during FY04 is attributable to reorganization of managers in the uniform, investigations and training bureaus. The job functions of those individuals did not change. Organizationally, the standards bureau is like an internal audit unit that ideally should report to the public safety advisory commission or the secretary. The one significant increase, 55 percent, was to the Governor's security detail. In FY04, the Governor's security staff size grew from nine to 14 agents because of the Governor's high profile.

The organizational structure of the 605 commissioned officers who are not in the classified service is depicted in the chart below.

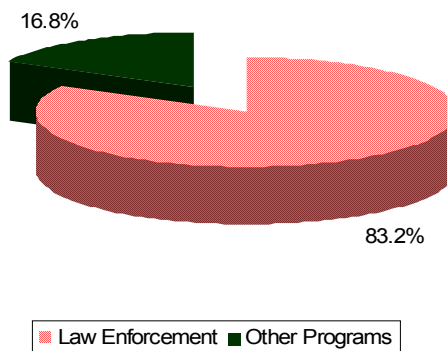
**Figure 2. Chief's Office Organizational Chart**



Source: DPS

In FY06, the law enforcement program received \$60.3 million or 83.2 percent of the total general fund dollars appropriated to the department. That amount did not include the five-percent across-the-board salary increase granted to department commissioned officers or the 0.8 percent increase earmarked for NMSP officers.

**Figure 3. Law Enforcement Program General Fund Appropriation for FY06**



Source: Laws 2005

The legislature has been very supportive of the law enforcement program providing funding for technology improvements such as computer-aided dispatch (CAD). Over the past four years the legislature has appropriated approximately \$4.6 million to the department to fully equip all NMSP and MTD vehicles with CAD-enabled laptops. Through grants, the federal government has provided approximately \$2.5 million. As of August 2005, 282 NMSP units have laptops with access to CAD. The remaining 238 units in NMSP, MTD, and special and criminal investigations should be fully equipped by the end of December 2005.

Section 9-19-4 NMSA 1978 states that the purpose of the department is to establish a single, unified department to consolidate state law enforcement and safety functions in order to provide better management, real coordination and more efficient use of state resources and manpower in responding to New Mexico's public safety needs and problems and to improve the professionalism of the state's law enforcement and investigative functions and personnel. To fulfill the department's purpose to consolidate state law enforcement and safety functions, MTD, formerly part of the Taxation and Revenue Department, was transferred to the department on July 1, 1998. Combined authorized commissioned officers in the NMSP and MTD total 752. Currently, 667 commissioned officers are employed.

The department's mission is to build a safer, stronger New Mexico by providing law enforcement services, training, disaster response and technical support to the public and other governmental agencies.

The department's 2003 Annual Report identifies the following key priorities, which include the Governor's mandates.

- Reduce alcohol abuse-related crimes and accidents,
- Reduce illegal drug abuse and narcotics-related crimes,
- Reduce violent crimes,
- Ensure safer highways in New Mexico for the motoring public by assuming a leadership role and providing coordination of accident reduction initiatives, and
- Ensure emergency preparedness.

The key priorities of the department are closely aligned with the mission of the state police, which is to "consistently provide the highest quality public safety and law enforcement service to its citizens and visitors in order to ensure a safer New Mexico."

Annually NMSP officers patrol 1,000 interstate miles and over 11,000 US- and NM-designated roads, driving over 13 million miles while responding to over 200,000 calls for service and issuing approximately 174,000 citations. During FY05, NMSP investigated 7,154 crashes, conducted 781 saturation patrols and checkpoints and participated in numerous community-related activities.

In recent years, the department has claimed severe manpower shortages and difficulties in recruiting, graduating and retaining officers, and in meeting performance targets. These persistent claims of manpower shortages initiated further inquiry by the Legislative Finance Committee (committee) to determine the root cause(s).

**Objectives.**

- The appropriateness of administrative controls,
- The appropriateness of administrative support manpower levels,
- If commissioned officers' compensation is comparable to other state and local law enforcement agencies,
- If performance targets were achieved and if reporting is reliable, including a follow-up of the April 2002 performance-based budgeting evaluation,
- The appropriateness of methodology used to calculate the need for additional officers,
- How and where police officers are detailed around the state to ensure sufficient coverage throughout the state, and
- The appropriateness of the organizational structure of the Governor's Office of Homeland Security and the department's Office of Emergency Management, including chain of command and allocation of funds.

All the objectives listed, except the last are addressed in this review.

**Scope and Methodology.**

- Agency-wide policies, procedures, and rules,
- 2005 compensation increase for commissioned officers,
- 2003 - 2005 statistics on disciplinary action,
- Grievances filed in calendar year 2005,
- Payroll records for FY04 and FY05,
- Limited research of similar agencies in New Mexico and other states,
- Officer activity tracking database records for FY03 through FY05, and
- Past, current and proposed performance measures.

**Procedures.**

- Review of laws, rules, policies and procedures,
- Analysis of department reports,
- Review of databases and validation of data accuracy,
- Discussions with department staff, and
- Comparison with other states.

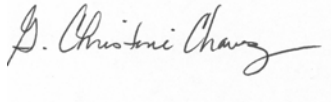
**Authority for Review.** The committee has the statutory authority under Section 2-5-3 NMSA 1978 to examine laws governing the finances and operations of departments, agencies and institutions of New Mexico and all of its political subdivisions, the effects of laws on the proper functioning of these governmental units and the policies and costs. The committee is also authorized to make recommendations for change to the legislature. In furtherance of its statutory responsibility, the committee may conduct inquiries into specific transactions affecting the operating policies and cost of governmental units and their compliance with state law.

**Review Team.**

G. Christine Chavez, Deputy Director for Performance Audit  
Aurora B. Sánchez, IT Performance Auditor  
Susan Fleischmann, Performance Auditor  
David Goodrich, IT Performance Auditor  
Bobby Griego, Performance Auditor

**Exit Conference.** The contents of this report were discussed with Secretary John Denko, Chief Carlos Maldonado, and other department staff on November 14, 2005.

**Report Distribution.** This report is intended for the information of the Office of the Governor, the Department of Public Safety, the Office of the State Auditor, and the Legislative Finance Committee. This restriction is not intended to limit distribution of this report which is a matter of public record.



G. Christine Chavez  
Deputy Director for Performance Audit

### POLICIES, DISCIPLINE AND SUPPORT

Good public administration and the department's statutory purpose emphasize managerial practices that promote effectiveness and efficiency. As such, the department must have current, relevant policies and procedures to follow and adequately trained staff to ensure professional, responsive, and timely administration of operations.

**Major Delays Are Involved In Reviewing and Approving Policies.** The department's internal policy and process to create or amend department-wide policies is cumbersome. Administration (ADM): 01, Policy and Procedure Development Policy, outlines the process that must be followed when introducing a new policy or amending an existing one, which can take up to 45 days. The consecutive review process gives first-draft reviewers, division directors, office of legal affairs (legal) and deputy secretaries 10 days to review and comment on a policy; legal then gets another five days to review any changes that may have been made by the deputy secretaries.

The deputy secretary of operations (operations) is responsible for making all proposed changes to the policies, but there is no set timeframe in which to make the changes and forward the policy to the next level of review. As a result, more time is added to the target 45 days. After the last review by legal, the policy goes to the secretary for final approval.

The department has 93 established and 32 new or proposed policies dealing with administration, operations, personnel, training, finance and budget; all policy development is required to follow the process described above. A list of the policies is provided at Exhibit 2. Of the 125 policies, the secretary has approved only ten. Since no area other than legal keeps a log of when a policy is received and when it is returned as reviewed to operations, it is difficult to determine where the backlog is occurring. It took the attorneys anywhere from one day to eight months to complete a review. As of January 2005, legal received 44 policies and to date has reviewed 21.

It appears from the information on the operations' log that policies are not being reviewed by the division directors within the required 10 days. For example, the policy entitled maternity/paternity was given to the division directors on July 21, 2005, and according to the log, it has not moved. Another bottleneck appears to be with operations timely editing the policies so that they can be forwarded to the next level of review. It is difficult to determine how long policies remain in operations for correction.

Department staff indicates that it has only three attorneys to review policies and respond to a myriad of legal issues as a reason for not being able to reviewing policies within the 10-day window, as compared to the beginning of the previous administration when the department had six. It also appears that operations is not sufficiently staffed to make the necessary corrections to the policies.

The slow internal review process is compounded by Section 29-2-22 NMSA 1978, which requires the secretary to promulgate rules pursuant to the State Rules Act for standards of conduct and discipline of NMSP officers. Amending a rule promulgated under the State Rules



Act could easily double or triple the time it now takes the department to revise an internal policy. Before publication, the promulgation of a rule requires:

- public notice,
- a public hearing,
- a comment period,
- time to amend based on public comments,
- approval through the department's internal process, and
- review by State Records and Archives.

In June 2005, the committee fiscal analyst recommended six human resource policies for immediate review. Following is the status of those policies:

**Table 1. Status of Human Resource Policies**

Policy	Status
Disciplinary	Codified according to Section 29-2-22 NMSA 1978 in June 2004
Standard of Conduct	Codified according to Section 29-2-22 NMSA 1978 in June 2004
Grievance	Recently reviewed by legal and are pending correction
Overtime Compensation	Recently reviewed by legal and are pending correction
Equal Employment Opportunity	Pending legal review
Sexual and Racial Harassment	Has not been addressed

Source: LFC Analysis

Numerous policies could be combined to decrease the total number. For example: There are three policies that address some type of compensation; six policies that deal with a financial allowance for education, clothing or participating on a special team; and four policies that address different types of leave. In this example, 13 policies can be combined into three.

The department has undertaken the monumental task of amending and creating policies to establish professional practices and standards that comply with CALEA standards. According to CALEA, compliance with its standards provides:

- greater accountability within the agency,
- controlled liability insurance costs,
- stronger defense against civil lawsuits,
- increased community advocacy, and
- support from government officials.

**Recommendation.** Change the consecutive process of review by directors, legal and deputy secretaries to a concurrent review process of ten days. Create a committee comprised of division directors, a representative from legal, and deputy secretaries to prioritize the policies and procedures and address the most critical policies immediately. Combine policies of similar nature to reduce the number of policies. Present the final policies to the secretary for approval after the committee completes its review.

Convert a vacant position into an attorney position, request an additional FTE position during the 2006 legislative session or hire a contract attorney to dedicate to policy development and review.

Dedicate an FTE from operations to policy review and correction. Maintain a log that shows when a policy is sent to the committee, when it is due back, when it is received from the

committee, when operations completes the corrections, and when it is approved by the secretary.

**Letters of Contemplated Personnel Action Are Too General.** A sample of letters placing officers on paid administrative leave between October 2002 and May 2004 does not clearly state how long the officer will be on administrative leave. In some cases, the letters do not tell the officer why he or she is being placed on paid administrative leave. Officers placed on paid administrative leave are required to surrender state-owned equipment.

ADM: 04, Internal Investigation Policy, requires that correspondence be sent to the employee informing them of initiation of administrative action and the nature of the investigation. Under exceptional circumstances, verbal notice may be given followed by written notice.

PRS: 08, State Police Leave Policy, states that suspension without pay “is a forced leave of absence without pay.” Suspension temporally denies an officer the privilege of performing his or her official duties and requires that the officer immediately surrender all state-owned property. Suspension, as defined in the policy, is disciplinary action, not leave and should not be a part of the leave policy. Additionally, the department does not make a distinction between administrative leave for positive purposes and administrative suspension pending the outcome of an administrative investigation. Instead, the letters mix administrative leave, which according to the policy is for “any purpose deemed eligible” by the secretary, and suspension, which is disciplinary.

**Recommendation.** Include the following in the written notice: (1) the reason for being put on leave, (2) when the leave will begin and end, and (3) the expectations of the officer while on leave. Continue to require the employee to sign, acknowledging receipt of the notice. Clearly indicate in the notice that personnel matters are not a matter of public record and that the contents of the notice will not be disclosed if requested under the Inspection of Public Records Act.

Remove suspension from the leave policy and include it in the disciplinary policy. Add language to the internal investigation policy that establishes “administrative suspension with pay, pending the outcome of the investigation” as a disciplinary status. This would send a message to other officers that committing disciplinary infractions is a serious administrative matter. Public perception of department disciplinary activities would also be clarified as carrying negative, not positive, consequences and that public safety and welfare are being protected.

**Grievance Complaint Process Follows Established Process.** The legislators expressed concern about grievances filed by officers. The department has two separate, but distinct processes that must be followed when filing a grievance. General grievances, those not categorized as discrimination in the workplace, are handled through the regular chain of command.

In calendar year 2005, three grievances were filed by employees in NMSP or MTD. One grievance was filed by a dispatcher who was not allowed to work overtime, one by an officer who was not paid overtime for commuting to and from an out-of-town assignment, and the last

by an MTD probationary officer who did not receive the five percent increase on the first full pay period in July 2005.

Personnel (PRS): 09, Overtime Compensation Policy, states that all employees must secure the permission of their supervisor before working beyond the established work schedule. It requires supervisors to keep overtime hours to a minimum without compromising optimum staffing levels.

Grievances surrounding allegations of workplace discrimination are filed directly with the equal employment opportunity (EEO) office. In calendar 2005, 19 complaints were filed with the EEO as follows:

**Table 2. Outcome of Grievances Filed**

Complaint Type	Number	Outcome
Race or national origin	4	1 dismissed; 1 disciplined; 2 pending
Retaliation	2	2 pending
Disability	6	1 mediated; 1 dismissed; 1 disciplined; 3 pending
Sex	7	1 mediated; 3 dismissed; 3 pending

Source: DPS

Employees found to have violated Administrative (ADM): 34, sexual and racial harassment and retaliation policy, are subject to disciplinary action up to and including termination. Employees are not entitled to progressive discipline for the first or subsequent incidences. The mandatory minimum discipline is a written reprimand; the maximum discipline is dismissal.

Although the number of complaints is small compared to the number of total department employees, discrimination in the workplace is not a minor issue that can be ignored. The department, like every other state agency, is required to follow the mandates of Title VI and VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Americans with Disability Act of 1990; the New Mexico Human Rights Act; and Section 504 of the Rehabilitation Act of 1973.

**Recommendation.** Continue to promptly and fairly investigate all alleged acts of discrimination in the workplace.

**Disciplinary Process Takes Too Long.** The process to complete a disciplinary action that could result in suspension greater than 30 days or termination is protracted and costly. Eighty-one percent of the officers responding to the New Mexico Police Association survey (487 responses out of 870 surveys sent) indicated that internal investigations were unfair and untimely, and 88 percent indicated that the discipline based on the investigations was unfair.

The flowcharts at Exhibits 3 and 4 are pictorial representations of the current investigation and discipline processes. The discipline process complies with the existing statute on discipline, Section 29-2-11 NMSA 1978. In fact, it provides officers with suspensions of 30 days or less the ability to appeal to a panel of their peers. For suspensions greater than 30 days, officers have the right to appeal to an independent hearing officer and the findings and conclusions are reviewed by the commission.

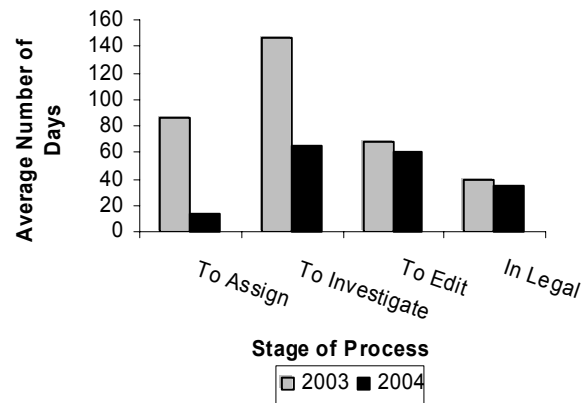
The process - beginning with an investigator being assigned a complaint through the hearing officer issuing findings and conclusions to the commission - does not include timeframes.

Therefore, it can be drawn out. To better track cases and analyze the data, the department has implemented a case-tracking database. The department randomly sampled 11 percent of the case population for calendar years 2003 and 2004 to determine where the process could be improved and where additional resources may be needed.

According to data provided by the department, the average number of days from the date a complaint is filed to date of closure has decreased by 26 percent, from 358 days in 2003 to 266 days in 2004. Although a significant improvement, the process still takes too long. The reported cycle time may be overstated because the department includes the number of days from the date of incident for a complaint to be filed in its timeframe, even though it has little to no control over this part of the cycle. A complaint may not be filed within a reasonable time after the incident.

If this element is removed from the process, the disciplinary process cycle time decreased by 49 percent between 2003 and 2004, from 341 days to 175 days - a marked improvement. It is more appropriate to calculate the number of days from the time the complaint is received and assigned by internal affairs through legal review because those aspects are within their control. The figure below shows the average number of days a case spends in each stage of the process.

**Figure 4. Disciplinary Process Cycle Time**



Source: DPS

Another problem is that the department does not have its own hearing officers to handle officer appeals. Instead, the department has to borrow hearing officers from other agencies, who may already be burdened with large case loads.

On November 16, 2004, KRQE TV reported that the department spent \$311.7 thousand over a two-year period on five state police officers who were on administrative leave pending disciplinary action. According to the news report, the department had no written rules to conduct a hearing. It appears that the department may have had a standard of conduct policy in place since 1998, but it did not include the steps for disciplinary hearings. Prior to the television story, the department promulgated a rule according to the State Records Act on standards of conduct that includes the procedures for disciplinary hearings. The department is also proposing a change to Section 29-2-11 NMSA 1978 to further clarify the process (Exhibit 5).

Although promulgating the rule and changing the current law are steps in the right direction, it will not completely resolve the issue of officers continuing to be paid while there is an ongoing investigation.

As of October 2005, one out of the five complaints against the officers mentioned in the news report had been heard and is pending final decision by the hearing officer and another is scheduled to be heard by a hearing officer on loan to the department from either the Taxation and Revenue Department or the Regulations and Licensing Department in early December 2005. Before the chief can make a final decision on either case, he must have the findings and conclusions from the hearing officers. These employees then have the right to appeal to the district court if the chief's decision is not to their liking.

The remaining three officers filed two separate, but related law suits against the department in the First Judicial District Court. One case was dismissed and the other remains open at the court.

**Recommendation.** Build reasonable timeframes into the assignment, investigation, hearing and suspension process to expedite it.

Request a position for a hearing officer, convert an existing position, or issue a contract so that cases can be heard more timely and the chief can make his final decision without excessive delay.

Submit the recommended statutory change at Exhibit 5 to the 2006 legislature. This change eliminates the ability of a suspended officer to receive pay while the case is on appeal.

**Disciplinary Action Regarding Suspensions Appears Equitable.** Legislators are concerned that the department is unfair in how it metes out discipline because of complaints received. Data on suspensions of NMSP officers from January 2003 through August 2005 indicates that there were 64 suspensions. Eighteen or 28 percent were for fleet-related accidents and are governed by ADM: 18, which provides specific penalties for number and type of fleet-related infractions. The remaining 46 suspensions resulted from a variety of infractions, ranging from discharging a weapon, to sexual harassment, to excessive use of force.

The discipline varied, depending on the officer's history, the severity of the infraction and the potential danger posed to the public. However, it did not appear to vary if the infraction was of similar nature or number. For example, three different officers were cited for discharge of a firearm. Two received a three-day suspension because it was the first time, while the third received a four-day suspension because it had happened before.

The discipline process used is based on the chief's review of the file, referring to the database for similar infractions to ensure the discipline imposed is consistent with other similar cases, and an officer's work history. Depending on the type of infraction, the officer's history, and the severity of the infraction, discipline imposed may vary. For suspensions of 30 days or less, the officer can appeal the chief's decision to the disciplinary hearing panel (panel) pursuant to NMAC 10.5.100 OO. The panel is a body of three officers, two of similar rank and one of a rank higher than the person being disciplined. After reviewing the case and hearing from witnesses the officer may produce, the panel may either sustain the chief's decision, or increase

or decrease the number of days an officer is suspended. Appeals to the panel are further reviewed by the public safety advisory commission (commission), which is comprised of citizens appointed by the Governor.

Sixteen of 46 disciplinary suspensions were appealed to the panel. One officer withdrew his appeal and served the suspension given by the chief. The panel:

- upheld the chief's decision on eight suspensions,
- reduced six, and
- increased one.

Of six disciplinary actions where the panel recommended a reduced suspension, the chief or the commission, in two cases, negotiated a suspension somewhere between the one initially imposed and the one recommended by the panel. In one case, the commission upheld the chief's recommendation.

**Recommendation.** No recommendations are included because the process appears equitable.

**Administrative Staffing Appears Adequate.** Administrative staffing appears adequate based on a Society for Human Resource Management benchmark. There is no typical administrative services division because external factors such as organization size, culture, management style, and operational and technological constraints drive the structure, size and scope of activities.

One way to compare administrative staffing levels among organizations is to use the human resource-to-employee ratio. This ratio is primarily driven by agency size, represents the number of human resource staff per 100 employees, and can be extrapolated to the entire administrative function.

The human resource-to-employee benchmark is calculated based on an exhaustive nationwide survey of different-sized organizations and varies from the 25th to 75th percentile depending on the human resource department's scope of responsibilities. If the human resources function has a larger scope of responsibilities, then using the ratio for the 75th percentile may be appropriate. Conversely, if human resources has a narrow scope of responsibilities, then using the ratio for the 25th percentile may be appropriate.

No industry benchmark could be located for financial positions relative to total organization size. Of the 11 agencies listed below, from smallest to largest, the department ranks seventh in total positions authorized and fourth in the size of fiscal staff. There is one fiscal staff person for about 54 department employees, which is greater than the target one human resource staff person for every 134 department employees.

The following table compares human resource staffing levels at the department and other agencies. The median percentile was used for the assessment. The department's human resource staff is closer to the benchmark than any other agency included in the comparison.



**Table 3. Comparison of DPS and Other Agency Human Resource Staff Size to Benchmark Human Resource Staff Size**

Agency No.	Agency Name	Total Agency Positions Authorized	Authorized Human Resource Positions	Authorized Fiscal Services Positions	Agency HR-to-Employee Ratio	Benchmark HR-to-Employee Ratio	Benchmark Target Human Resource Staff Size
550	OSE	335	4	13	1.2	1.07	3.6
521	EMNRD	502	6	8	1.2	.82	4.1
505	DCA	580	9	42.5	1.6	.82	4.8
631	DOL	631	8	26	1.3	.82	5.2
667	ED	666	6	58	0.90	.82	5.5
333	TRD	1,069	12	19	1.1	.79	8.4
<b>790</b>	<b>DPS</b>	<b>1,341</b>	<b>10</b>	<b>25</b>	<b>0.75</b>	<b>.79</b>	<b>10.6</b>
630	HSD	1,863	10	67	0.54	.79	14.7
690	CYFD	2,234	11	26	0.49	.79	17.6
770	CD	2,333	24	38	1.0	.79	18.4
805	DOT	2,683	56	102	2.1	.53	14.2

Source: SPO TOOL, July 29, 2005.

**Recommendation.** Train administrative staff to work more effectively and as efficiently as possible. Document administrative workload and performance and compare it to other state agencies to justify more staff.

**Additional Financial Training May Be Necessary.** The department should consider additional training for fiscal staff. In FY04, the department achieved compliance with only one of six Department of Finance and Administration (DFA) standards of financial excellence. Conditions noted in FY05, such as the pre-audit document processing error rate and the number of manual payroll warrants issued, indicate that compliance with the standards may again be a problem.

DFA sponsors a recognition program to encourage effective, efficient, accurate, complete and timely financial management and oversight. Each agency is rated according to successful compliance with six financial standards. The table below summarizes the six standards.

**Table 4. DFA Standards of Financial Excellence**

<b>Standard</b>	<b>Description</b>
Timely Completion of Annual Audit	1. Annual audit submitted by December 15 <sup>th</sup>
	2. Unqualified audit opinion
Strong Fiscal Management and Oversight	1. Audit free of material findings and non-material findings that indicates weak fiscal management and oversight
	2. Pre-audit rejection rate one percent or less
	3. No payroll errors that would prevent a transaction from processing
	4. No manual payroll warrants due to improper record keeping
Timely Record Keeping	1. Record transactions daily; maintain records up to date on a continuous basis
	2. Monthly reconciliation corrections submitted with current reconciliation verification form
	3. No stale-dated warrants
	4. No procurement card post-audit findings that may result in interest accrual or jeopardizing state rebates
Effective and Timely Financial Reporting	1. Information made available on a timely basis
	2. 1099 turnaround reports submitted on a timely basis
	3. Ten of 12 monthly reconciliation verification forms submitted within 30 days; none more than two months late
	4. Positive comments from senior management on the effectiveness of internal financial information
Effective Automated Systems Operation	1. Properly maintained automated accounting system, vendor file, and agency budget module
	2. Hard copy documents must match electronic file; all documents transmitted electronically
Timely Payments to Vendors and Employees	1. Timely payments to vendors as outlined in procurement code
	2. Reimbursement employees within five working days
	3. No requests to pay prior-year bills from current year budgets
	4. No requests for manual vendor warrants

Source: DFA Files

Each year, DFA reviews agencies' compliance using a number of resources, including the financial control division audit bureau, audit reports, agency records, etc. Upon review completion, DFA publishes a summary of agency compliance.

The department and other agencies' compliance with the six standards in FY04 is summarized in the following table. In FY05, the department again may achieve minimal compliance with the standards. The financial document rejection rate was slightly over three percent, 1,024 errors that spanned 33,722 documents or about three percent. The standard is one percent or less.

**Table 5. Results of Compliance with Standards of Excellence – FY04**

Agcy Code	AGENCY NAME	(1) Audit Unqualified Opinion & Completion Timely	(2) Strong Fiscal Mgmt & Oversight	(3) Timely Record Keeping	(4) Effective & Timely Financial Reporting	(5) Effective Automated System Operations	(6) Timely Pymt to Vendors & Employees
333	Taxation and Revenue Department						
505	Department of Cultural Affairs						•
521	Energy, Minerals and Natural Resources Department	•			•		•
550	Office of State Engineer	•			•		•
630	Human Services Department						
667	Environment Department				•		
690	Children, Youth and Families Department	•		•			•
770	Corrections Department	•		•	•		
790	Department of Public Safety	•					

Source: DFA Files

• Standards Achieved

Manual payroll warrants are also a potential problem area because issuing such documents due to improper recordkeeping violates DFA's fiscal management and oversight standard. The department's manual payroll warrant issuance rate for 18 months was a negligible 0.5 percent, or 208 warrants out of 44,421. Of these, the bulk was attributable to either NMSP or MTD, 57 percent and 27 percent, respectively.

Analysis of NMSP and MTD manual payroll warrants issued from March 2004 through September 2005 showed that 25 out of 208 manual payroll warrants were attributable to the September 3, 2004, payroll for MTD's north zone. According to the department, these warrants were issued because the department's central payroll staff accidentally overlooked a series of payroll entries. Other manual payroll warrants were issued for a variety of reasons, including department payroll staff turnover, training issues, required documentation submitted after deadlines, and various other errors and special circumstances. Most of the causes cited may refer to improper recordkeeping and be the reason that manual warrants were required.

**Recommendation.** Provide staff ongoing training and specifically address reducing the pre-audit document rejection rate and the necessity for manual payroll warrants. Strengthen oversight of fiscal document preparation and other areas.

**Compliance Reviews Are a Proactive Tool To Improve District Performance.** The department does not have an internal audit function. According to department staff, the last time the department had an internal auditor was 1997. NMSP districts conduct quarterly inventories of evidence lockers and submit them to headquarters. The standards bureau inspects MTD and special investigations evidence lockers and conducts compliance reviews at NMSP districts of:

- The dispatch function,
- Use of the recording devices,
- Offense incident reporting and investigations,
- Traffic crash reporting and investigation, and

- Evidence lockers.

Compliance reviews are the department's attempt to proactively address issues at the districts so that appropriate corrective action can be taken before problems arise.

Operations (OPR): 17, Evidence-Handling Policy, requires evidence and property to be "preserved in such a manner as to ensure its actual and evidentiary value."

Review of the evidence locker inspection reports indicated no major problems were found. One significant issue that was not sufficiently emphasized could present evidentiary problems in successfully prosecuting a case. This issue was the need to ensure and document chain of custody. In this particular instance, evidence was securely stored in a non-departmental evidence locker. However, when the evidence was moved from there to a departmental locker, the documentation did not indicate where the evidence had been between its seizure and its deposit in the departmental locker. In this instance, preservation of the actual and evidentiary value of the evidence could become an issue if chain of custody is challenged by a defense attorney.

The district evidence custodian is required to conduct an inventory of the evidence locker at least quarterly. The standards bureau compliance review handbook does not include a requirement to review the quarterly inventory reports and determine if the issues reported by the custodian were properly addressed.

Another issue dealt with the use of recording devices. OPR: 19, Use of Officer Recording Equipment Policy, clearly requires officers to use mobile video and audio recording and tape recording equipment and requires supervisors to ensure proper use of the devices.

The reports and the PowerPoint training materials identify the use of recording devices as evidence in the prosecution of a case, to resolve complaints against an officer, as a training tool and to evaluate performance. An extremely important point, especially because NMSP officers are single officer patrol units, that is not mentioned is that the devices can preserve evidence if an officer is harmed or injured during a routine traffic stop. Furthermore, the reports do not cite policy violations or what corrective action the district commander should take to ensure compliance.

**Recommendation.** Cite all relevant policies in compliance reports and whether or not the district complied or was in violation. Develop a corrective action plan in the event of policy violations. Clearly explain ramifications to successful prosecution of a case if policies are violated or evidence is compromised.

Use evidence locker physical inventories conducted by the districts to determine if issues that were self-identified have been corrected. If a district takes corrective action, acknowledge its proactive stance.

Emphasize the use of recording devices as a tool to help ensure officer safety.

Create a review checklist or a review program to ensure each reviewer covers all items thoroughly and consistently.

## RECRUITMENT, COMPENSATION AND RETENTION

**Recruitment.** In recent years, the department has claimed (1) difficulties in recruiting, graduating and retaining officers, and (2) severe manpower shortages. These persistent claims of manpower shortages initiated further inquiry by the committee to determine the root cause(s). The department cited uncompetitive compensation as one of the primary reasons why officers leave NMSP employment.

*Recruiting Requirement May Limit Applicant Pool.* NMSP's lack of flexibility in allowing applicants to substitute appropriate experience for the college-education requirement limits the pool of available applicants and thus contributes to the manpower shortage. Experienced officers wishing to transfer to NMSP from another jurisdiction are currently required by Section 29-2-16 NMSA 1978 to attend the full 18-week recruit academy, rather than being offered an abbreviated course of training specific to NMSP requirements and adapted for individuals with relevant law enforcement experience. Texas Department of Public Safety allows substitution of experience for education.

Section 29-2-6 NMSA 1978 specifies the qualification to be accepted into the NMSP academy. A recruit must

- meet minimum health requirements,
- be a US citizen,
- be 21-years old,
- have a high school diploma or GED, and
- be of good moral character with no felony convictions.

These requirements are similar to surrounding states and New Mexico municipalities surveyed. However, differences do exist. For example, NMSP does not require recruits to be New Mexico residents to apply, like Colorado does. Only NMSP and Texas require officers to have any form of higher education.

NMSP officers are required to have 60 college hours in any subject. However, no college hours are required at the start of the academy. Recruits can earn up to 30 credit hours while in the academy from either San Juan or Santa Fe community colleges and then have two years after graduation to attend college part time to meet the total requirement of 60 college hours. The Texas Department of Public Safety requires applicants to have 90 semester hours of college credit. However, up to 90 hours may be substituted depending on appropriate experience, including military, police, jailer, commercial vehicle inspector or investigator or the equivalents in other states. Specific ratios are used to equate type of experience with required semester hours.

The Montana Department of Justice takes another approach regarding the education and experience requirement for Montana Highway Patrol recruits. Although none are required, Montana encourages candidates who apply to have at least one of the following qualifications.

- An associate degree in criminal justice or police science,
- A four-year or higher degree in any field,
- Sixty semester or 90 quarter credits in a liberal arts curriculum,
- Four years' military police/military security experience, or

- Two years' public regulatory/compliance work.

NMSP does not allow candidates to substitute experience for education under any circumstances. Retired NMSP officers who wish to return to the NMSP no longer qualify unless they have the requisite college hours. The education requirement relative to lateral transfers severely impacts recruiting efforts. It prevents lateral transfers of experienced candidates from other jurisdictions and significantly restricts the candidate pool. Currently, the department does not have a lateral transfer policy.

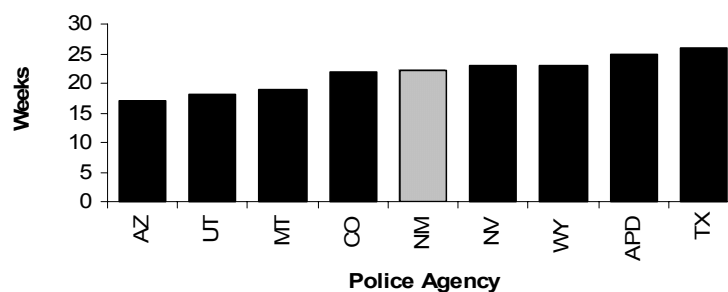
Eighty percent of the officers responding to the New Mexico Police Association survey indicated that a college degree does not make a better officer. An education, however, may enhance the quality of the police force and its management.

*Academy Training Duration Is Comparable.* NMSP recruits attend an 18-week residential training program. In form, the 18-week NMSP recruit academy timeframe is comparable with other jurisdictions. In substance, the fact that training is delivered continuously with occasional rather than regular time off may pose a barrier to successful recruiting.

The NMSP recruit academy duration could not be directly compared with other jurisdictions' programs because training is offered in a continuous, residential format rather than a traditional, 40-hour week format. The academy is 125 days long, of which 111 days are devoted to training and 13.5 days are free. When the actual days spent in training are normalized to a five-day workweek, NMSP training extends over 22.2 weeks, slightly above the average of 21.7 weeks, but less than Albuquerque Police Department's (APD) 25-week academy.

The following figure shows how length of state police training varies among the surrounding states and APD. NMSP's program falls midway between other states' programs. Arizona's 17-week program was the shortest, and Texas' 26-week program, the longest.

**Figure 5. Academy Training Weeks Comparison**



Source: LFC Analysis of DPS Data

*Compensation During Training Is Comparable.* Total recruit compensation is comparable to other states surveyed; however, the way the pay is earned may also present a barrier to successful recruiting. Payroll records indicate that NMSP recruits receive a base hourly rate of \$7.259. But when consideration is given to the way training hours are worked, recruits may actually earn the equivalent of about \$15.43 per hour, although on an hour-for-hour basis the most a recruit can earn is \$10.89 per hour, the overtime rate. This pay rate is competitive for



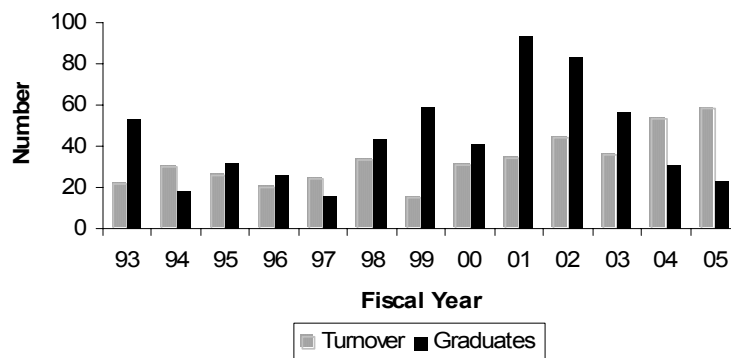
individuals without law enforcement experience, but may be a significant disincentive for experienced officers wanting to transfer laterally in to NMSP.

On its face, the NMSP school is 18-weeks or 125-days long. Training days number 111, and 13.5 days are free. On training days, recruits are present 24 hours a day and receive a combination of base pay and overtime, as opposed to training during a 40-hour work week. When actual time spent in training is normalized to a 40-hour workweek, recruits earn the equivalent of about \$15.43 per hour, which is slightly more than the \$14.87 paid to APD recruits. Again, recalculating pay received during training does not affect how the program is conducted.

Hourly recruit pay in other states ranged from \$12.30 in Montana to Colorado's hourly recruit pay of \$18.15. After Montana, APD and NMSP recruit pay rates are second and third lowest, respectively.

*Officers Leaving Outpaced Graduation Rates.* The department's problem appears to be that it is not able to attract and graduate enough officers to keep pace with those leaving, not that it is not graduating a respectable percentage of recruits. The following graph shows that officers leaving NMSP outpaced graduates two to one in FY05.

**Figure 6. NMSP Officers Leaving vs. Graduating**



Source: LFC Analysis of DPS Data

The Higher Education Department reports FY04 graduation rates at two-year institutions, which provide specific training for quick job placement, at 33 percent. The NMSP's average graduation rate in FY04 was almost 57 percent; in FY05, it was almost 48 percent.

**Table 6. Academy Recruits and Graduates**

<b>Fiscal Year</b>	<b>Entering Recruits</b>	<b>Graduating Recruits</b>	<b>Percent Graduating</b>
03	25	16	64.0%
04	16	8	50.0%
04	36	23	63.9%
05	24	15	62.5%
05	24	8	33.3%

Source: LFC Analysis of DPS Data

**Recommendation.** Consider amending the statute to allow flexibility regarding the education and experience requirement for officers. Like Texas and Montana, allow applicants a variety of options. Continue to pursue partnerships with other accredited educational institutions to expand access to all officers. Consider partnerships with accredited institutions that offer services electronically. Build flexibility into the educational requirement to allow for circumstances outside an officer's control that prevented him or her from obtaining the additional 30-credit hours.

Amend the statute to allow for an abbreviated academy specific to NMSP requirements for individuals with relevant law enforcement experience who wish to transfer laterally into the program. Consider a higher pay rate during training for such officers.

Consider modifying the recruit school format and pay structure to accommodate candidates' changing expectations and lifestyles in today's world. Most colleges have become commuter schools versus boarding schools for exactly the same reason – to compete with other institutions for students. The NMSP residential format may still be the most appropriate model because the school draws statewide candidates, but its more military-like structure may no longer appeal to as many candidates as it once did.

Consider concentrating recruiting efforts in small rural communities to attract candidates who are willing to provide law enforcement services to those communities.

Use the department's involvement in community policing as a marketing strategy and as a recruiting tool, by stressing partnership building, problem solving and community service over the traditional law enforcement duties. Implement recruiting campaigns that include the agency's mission statement and that also depict officers working with tag your tots, participating in town meetings, crime prevention or neighborhood watch groups, helping victims, etc. to promote the message that police officers are people who care about people and who can make a difference in their communities.

**Compensation.** A key factor that the department cites for granting an across-the-board increase is turnover as a result of inadequate compensation. The department contends that increases in pay structure will make it more competitive in the market and allow increased recruitment of entry-level candidates and encourage retention of current employees.

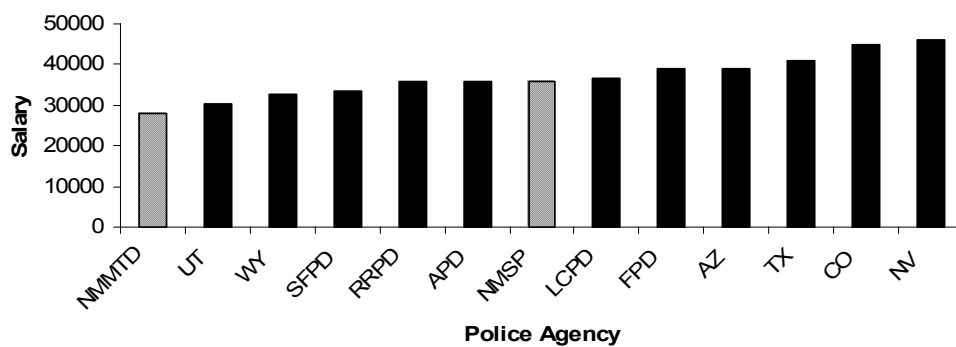
*NMSP Compensation Plan Outdated.* Section 29-2-9 NMSA 1978 requires the secretary to fix the salaries of all members of the state police. The pay plan for officers, PRS: 16, has not been

updated since 1998. Although the existing policy states that “this career pay system shall allow an officer to progress on a career ladder with appropriate salary steps linked to recognition of additional training, skills acquired and other meritorious performance,” the reality is that there is little in the way of a career ladder within the patrolman rank.

*NMSP Compensation Is Comparable.* Eighty-nine percent of the officers responding to the New Mexico Police Association survey indicated the pay scale was unfair.

NMSP annual base salaries stand about halfway between those of all other states and New Mexico municipalities surveyed. NMSP pays only slightly better than Utah, Wyoming, and the Santa Fe, Rio Rancho and Albuquerque Police Departments. Average annual starting salaries surveyed ranged from \$28,000 to \$46,000. The following graph summarizes survey results.

**Figure 7. Average Annual Base Salary Comparison**

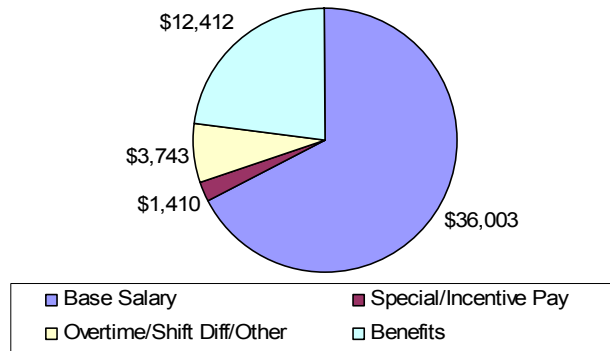


Source: LFC Analysis of DPS Data

However, NMSP annual base salaries are only part of the total annual compensation picture. Total compensation offered also includes shift differential (graveyard shift); special and agent incentives; specialty team pay for participation in the dive team, bomb squad and K-9 unit; educational incentive pay for bachelor's and master's degrees; pilot certification pay; and a clothing allowance. Pay for MTD officers includes consideration for certain incentives or additional duties undertaken, but does not include additional pay for participation in specialty teams such as the K-9 unit because they are classified under the state personnel system. NMSP officers are not.

Based on a compensation sample of 45 NMSP patrolmen and sergeants from the February 2, 2005, Table of Organizational Listings (TOOL), the average annual salary and benefits (state-share insurance and retirement) paid is \$53,568. Figure 8 shows the components of this amount.

**Figure 8. Average Annual Compensation for Commissioned Staff**



Source: LFC Analysis

In this example, state-paid benefits, medical insurance and retirement, comprise 23.2 percent of the total \$53,568. If the benefits are removed, the average annual salary is \$41,156, of which specialty and incentive pay is 3.4 percent.

The Department of Finance and Administration Payroll Transaction Holding File shows all commissioned NMSP officers who received special or incentive pay for the payroll period ending September 9, 2005. Table 7 summarizes the contents of that file.

**Table 7. Results of Special and Incentive Pay Analysis**

	Result
Percent of Total Receiving Additional Compensation	43.2%
Percent of Total Having College Degree	19.8%
Percent of Total Participating in Special Teams	15.8%
Percent of Total Receiving Agent's Incentive	17.1%
Percent of Total Receiving Special Incentive	1.3%
Number of Officers Receiving Multiple Incentive Pay	57
Number of Deputy Chiefs with College Degrees	1
Number of Captains with College Degrees	5
Number of Lieutenants with College Degrees	8
Number of Sergeants with College Degrees	12
Number of Patrolmen with College Degrees	83

Source: LFC Analysis of DPS Data

Forty-three percent of all commissioned officers receive some form of specialty or incentive pay, which on average increases base salary by about 3.4 percent. Participation in specialty team categories temporarily remove officers from regular patrol duties, which has a negative impact on an already-understaffed program. This may be why Colorado was the only state surveyed that also provides specialty team pay, although at a significantly higher annual level.

Incentive pay for education or being bilingual enhances officer skills and provides citizens with a higher level of service. Considering New Mexico's multi-cultural diversity and largely rural geography, incentives for being bilingual or accepting assignment to a rural post of duty or both would be highly desirable. Such additional incentives can potentially increase annual base salaries to a more competitive level that may be comparable with surrounding states and NM municipalities. Almost 60 percent of the respondents to the department's 2004 Internal Law

Enforcement Program Employee Survey either strongly agreed or agreed that officers should get additional pay for being bilingual.

A committee hearing brief dated May 16, 2005, reported on the pay disparity between NMSP and APD officers. The table below summarizes average annual disparities.

**Table 8. Comparative Yearly Earnings for Initial Five Years of Service – NMSP Patrolmen and APD Police Officers**  
(in thousands)

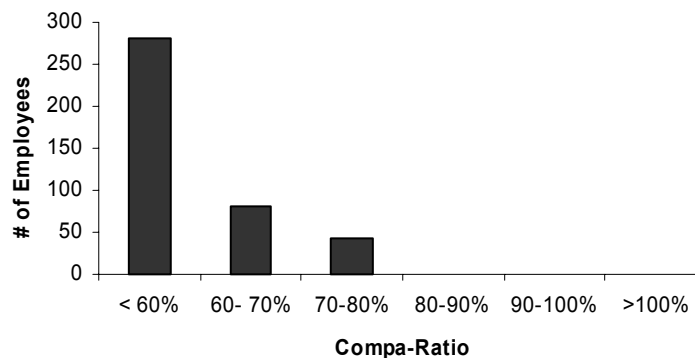
Year	1	2	3*	4*	5*
NMSP	\$34.3	\$34.3	\$35.4	\$35.4	\$35.4
APD	\$32.1	\$39.5	\$41.7	\$41.7	\$41.7

Source: NMSP and APD recruiting websites.

\*Earnings for years three to five are an average of base and top pay.

After graduating, a newly commissioned NMSP patrolman receives a base pay of \$34,328 per year; must serve a two-year probation period; and is not eligible for another salary increase until completion of the two-year probationary period. The salary range for a patrolman tops out at \$36,385 per year, and the officer is not eligible for promotion to senior patrolman until after serving five years as a patrolman. As a senior patrolman, pay is adjusted to \$37,417 per year and tops out at \$47,712 at the end of 15 years. Figure 9 shows that the majority of the commissioned officers are below 60 percent of the position's market value based on analysis using the latest TOOL.

**Figure 9. NMSP Patrolman Compa-Ratio Distribution**



Source: LFC Analysis

Conversely, after graduation APD moves the newly commissioned officer to Police Officer, 2nd Class, at an entry-level salary of \$32,073 per year. After one year, the officer is eligible for promotion to Police Officer, 1st Class, and receives a starting salary of \$39,520 per year. Police Officer, 1st Class, tops out at \$43,826 per year.

The principal competitors for NMSP and MTD officers are New Mexico municipalities. The July 2, 2005, base pay increase moved NMSP officers from being the second-lowest paid among major cities surveyed to receiving a higher starting salary than Santa Fe, Rio Rancho and Albuquerque police officers, but being lower paid than Las Cruces and Farmington police officers. The difference in starting pay among four of the six New Mexico cities surveyed is less than \$1,000 annually. However, as the following table shows, when officers are eligible for subsequent pay increases may be more important than starting salary.

Although NMSP starting pay is now greater, APD officers earn an average of \$4.4 thousand more per year than do NMSP patrolmen over the initial five-year period of employment because APD officers are eligible for a significant increase after a year of employment. APD officers earn about \$196.7 thousand over five years as compared to NMSP patrolmen, who earn about \$174.8 thousand over the same period. The difference over five years is \$21.9 thousand.

**Table 9. Cumulative Yearly Earnings for Initial Five Years of Service – NMSP Patrolmen and APD Police Officers**  
(in thousands)

YR	1	2	3*	4*	5*
NMSP	\$34.3	\$68.6	\$104.0	\$139.4	\$174.8
APD	\$32.1	\$71.6	\$113.3	\$155.5	\$196.7

\*Earnings for years three to five are an average of base and maximum pay.

Source: NMSP and APD recruiting websites.

Albuquerque Mayor Martin Chavez announced on October 10, 2005, that he wanted to increase the Albuquerque police force to 1,100 officers. If he is successful in expanding the city's police force, the pull for NMSP and MTD officers to leave the state will be greater.

*Pay Disparity between NMSP and MTD Increased.* As shown on Figure 7, MTD officers are paid less than NMSP. An historical pay disparity has existed between NMSP and MTD officers that was increased because Laws 2005, Chapter 34, Section 4, subsection A(4) granted NMSP an additional 0.8 percent increase over the five percent granted to all commissioned officers of the department in Laws 2005, Chapter 33, Section 8, Subsection A(7).

**Recommendation.** Update the compensation plan for officers, including MTD, at the entry level and with appropriate salary steps. Take into consideration work experience, education, skills, training and location. Review probationary periods and policies on salary advancement and promotion. Conduct a market analysis to determine the value of each police officer position before requesting additional funding for salary adjustments. Adjust the salaries that have the greatest pay disparity first instead of giving across-the-board increases to all commissioned officers to allow the department to be competitive and provide adequate levels of police coverage to ensure the safety and welfare of New Mexico citizens and visitors.

Also, consider providing rural post-of-duty incentive pay to entice non-rural officers to what they may perceive as less attractive posts of duty. Offer other incentives such as bilingual pay and shift differential for the swing shift.

**Retention.** According to management experts, retaining talented staff is essential to organizational success and the department is no different. People need to feel wanted, valued, appreciated. They want to do meaningful work and have some say in how their jobs are designed, managed, and measured. Building a stable workforce takes considerably more than just throwing money at people or giving them updated technology.

Retaining employees and developing a stable work force involves a two-step process - understanding why employees leave, and developing and implementing strategies to get them to stay.



Employees leave jobs for five main reasons:

- Poor working conditions,
- Lack of appreciation,
- Lack of support,
- Lack of opportunity for advancement, and
- Inadequate compensation.

The department is quick to claim that inadequate compensation is the main reason for NMSP turnover. The following paragraphs indicate that the department should consider the possibility that some combination of the other four reasons listed above is causing the dissatisfaction, poor morale and turnover.

According to the New Mexico Police Association survey published in April 2005, an overwhelming percentage of officers who responded were dissatisfied with the performance of the chief and the secretary, 76 percent and 87 percent, respectively. Some of the comments that accompanied the responses were even more telling and are paraphrased below.

- Mandates or interdepartmental correspondence come from the secretary, not the chief.
- The secretary is not allowing the chief the latitude required to be effective.
- His (the chief's) motivations are self serving and disheartening.
- He (the chief) is micro managed, his hands are tied.
- Various expletives to describe the secretary.

The department's 2004 Internal Law Enforcement Program Employee Survey reported that "many respondents strongly disagree with the statement that moral[e] has increased over the past year." Another way of saying it is that many respondents strongly agree that morale has declined over the past year. The following table summarizes employee responses to specific survey questions. Survey results were published in graph format and the raw data was not available for analysis. Therefore, responses shown in the following table are estimates.

**Table 10. Internal Survey Results**

<b>Percentage of Law Enforcement Program Employees Who:</b>	
Don't trust senior department management	28.7%
Don't feel supervisors as a group care about them	35.5%
Don't feel praised when they do well	49.0%
Don't feel the department is respectful of its employees	18.6%
Aren't confident that the department would back up their professional judgment on a controversial decision	43.9%
Don't feel the department treats female and male employees equally and fairly	40.5%
Don't feel the law enforcement program treats motor transportation, special investigations and NMSP equally	43.1%
Don't feel civilian staff is treated fairly by the department	38.0%

Source: LFC Analysis of DPS Data

It is not unusual for organizations to experience higher turnover within the first five years of employment. However, given the department's strict salary guidelines regarding entry-level salaries coupled with no salary increases during the two-year probationary period and a maximum potential of approximately six percent in salary increases during the first five years of employment, there is a high probability that patrolmen may leave within the first five years of employment because of inadequate compensation.

Transfers to other police forces do result in salary increases for the employee in most cases. This is not always because the salary plans are better. Often times it is because the other police department or agency recognizes the employee's prior experience and education inclusive of their time with NMSP. The NMSP does not reciprocate when looking at incoming applicants. Upon entering the service of the NMSP, even candidates with substantial experience in law enforcement receive no recognition of that experience and are compensated at the same level as candidates with no experience.

This is atypical of what good human resource policy dictates and results in a noncompetitive environment. Better qualified applicants who would look to NMSP will go elsewhere rather than accept a complete dismissal of their experience or education.

*Exit Interviews Are Not Conducted.* The department does not conduct exit interviews with officers who terminate their employment. Based on the resignation letters on file for FY04 and FY05, pay was not the primary reason given for leaving the NMSP. Despite the fact that the letters did not explicitly cite pay as a reason for leaving to join other law enforcement agencies or changing careers, it may well have been a primary factor. If that is the case, then approximately 33 percent of those leaving NMSP do so because of insufficient pay.

**Table 11. Reasons for Leaving Employment**

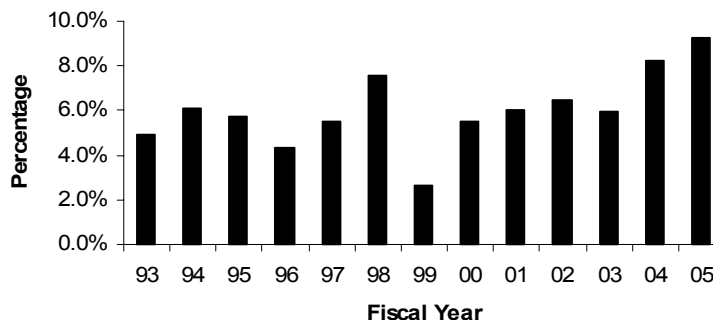
Reason	Percent
No record or no reason given	55.7%
Medical	2.3%
Financial, including changing career or transferring to another law enforcement agency	33.0%
Family	3.4%
Did not like work	1.1%
Never reported to duty station	1.1%
Disrespected or retaliated against	3.4%

Source: LFC Analysis of DPS

Letters of resignation submitted did not state a reason for leaving or the department's files were incomplete for fifty-six percent of total FY04 and FY05 resignations. Unwillingness to state a reason for leaving or to submit resignation letters may be indicators that individuals do not trust, fear, or feel intimidated or unsupported by management. Such individuals would rather leave quietly than express their reasons for leaving. Over half of the individuals leaving NMSP may be doing so because of poor working conditions, lack of appreciation, lack of support, lack of opportunity for advancement, or other issues and attitudes reflected in the survey responses mentioned above.

*State Police Turnover Is Increasing.* Total NMSP turnover in FY99 was an all-time low of 2.7 percent. Since then, turnover has steadily climbed to a 13-year high of 9.3 percent in FY05. High NMSP turnover directly impacts the safety and welfare of the state, and should be taken very seriously. This is slightly less than the 10.6 percent recorded by all of state government. According to the SPO FY05 fourth-quarter performance report, classified employee turnover has traditionally averaged approximately 12 to 14 percent annually.

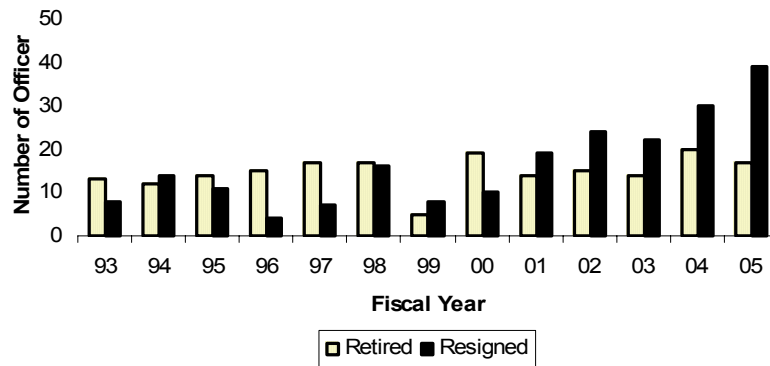
**Figure 10. State Police Turnover Rates**



Source: LFC Analysis of DPS Data

*NMSP Resignations Outpaced Retirements.* Beginning in FY01, resignations outpaced retirements - for every 1.5 officers who resigned, one officer retired. In FY05, resignations were 67.2 percent of the total turnover, and retirements were 29.3 percent.

**Figure 11. State Police Retirements vs. Resignations**



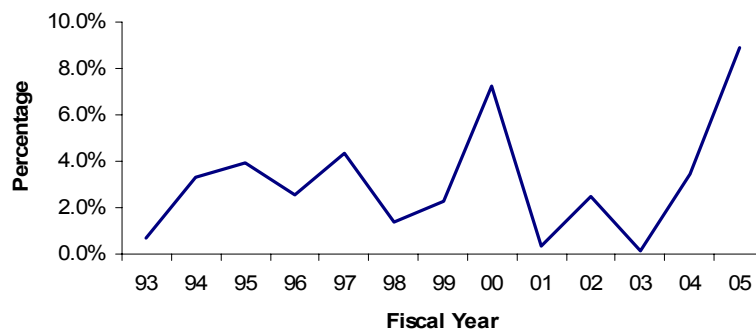
Source: LFC Analysis of DPS Data

*Vacancy Rates Are Increasing Significantly.* The department reported that the 15 percent field officer vacancy rate is the reason that FY05 fourth quarter results for three key law enforcement measures were at least 28 percent below target. Although the state police are not part of the classified personnel system, the department's classified vacancy rates consistently exceed statewide averages and also directly affect law enforcement program performance.

Manpower shortages at the districts are impacted by the growing number of resignations and the FY04 transfer of five patrol officers to the Governor's security detail. Although five officers may not seem like a significant number, any reduction coupled with the current 12 percent district vacancy rate negatively impacts performance.

The July 29, 2005, TOOL report shows that the special investigations division currently has a 45 percent vacancy rate among its detective and criminal investigator positions. MTD also shows unusually high vacancy rates among its police and sheriff patrol officers and transportation officers, about 18 and 19 percent, respectively. Excessive vacancy rates such as these may indicate that public safety is compromised by more than just high patrol officer vacancy rates. Further review of these alarming trends should be conducted by committee staff to determine if the department is indeed doing all that can be done for all law enforcement staff.

**Figure 12. NMSP Vacancy Rates**



Source: LFC Analysis of DPS Data

Vacancy rates for commissioned officers in the classified service as of July 29, 2005 were 45 percent for special investigations and 18 percent for MTD.

NMSP and many other law enforcement classified personnel are essential to ensure the safety and well-being of New Mexico citizens. For this reason, the department's high vacancy rates are a matter of grave concern.

*Changes to Promotional Standards May Affect Retention and Morale.* The policy on promotional standards for captains does not provide for substitution of years of experience for a bachelor's degree or a bachelor's degree for years of experience. Officers with the rank of lieutenant who entered the force or obtained the rank before the new policy was adopted had different expectations for advancement. For lieutenants with little to no college hours, two years is not enough time to obtain a bachelor's degree while working full-time, effectively eliminating them from the pool of captain candidates. Seventy-eight percent of the officers responding to the New Mexico Police Association survey indicated that a college degree should not be required to hold a position of rank.

In September 2005, the secretary approved revision to Personnel (PRS): 03, Promotional Standards. The policy now requires that effective January 1, 2008, promotion to the rank of captain will require a minimum of two years of satisfactory service as a lieutenant, a bachelor's degree from an accredited university or college and compliance with job specifications requirements pursuant to PRS: 16.

The department's desire to have an educated workforce is commendable; however, the requirement is bound to cause concern among officers who may want to apply for the position of captain, but have been unable to obtain a bachelor's degree from an accredited institution. By not considering years of loyal, professional and exemplary service, the department sends the message to those officers that years of service do not carry as much value as an education.

**Recommendation.** Work to counter the prevailing trends causing job churning. Proactive employers make it a strategic initiative to understand what their people want and need -- then give it to them.

Put into place the following best practices:

- Hire right to begin with.
- Engage in longer orientations with new employees.
- Live the values.
- Use creative rewards and recognition.
- Create annual personal growth plans for each employee.
- Make it easy for people to get their jobs done.
- Conduct exit interviews with employees who resign. Consider an independent third party interviewer for those cases where claims of harassment or retaliation are the cause. Thoroughly document and analyze all reasons why NMSP officers leave the agency. Address all root causes for turnover, not just the salary issue.

Overcome retention issues by engaging strategies that:

- create and maintain a workplace that attracts, retains and nourishes good people.
- focus on how you treat your people and how they treat each other.
- involve giving people the tools, equipment and information to get the job done.
- deal with personal and professional growth.

- cover the broad spectrum of total compensation, not just base pay and salary.

Thoroughly document and analyze all vacant positions to determine the reasons for the high vacancy rates. Work with committee staff to identify ways of addressing high vacancies.

Consider a short grandfathering-in period for officers who are currently at the rank of lieutenant to allow them opportunity to advance by substituting years of service for education. Begin applying the higher education standard to officers currently at the rank of sergeant and lower.

## **PERFORMANCE MEASURES**

**Performance Indicators Should Be Reevaluated.** The law enforcement program performance measures included in the General Appropriation Act (GAA) and designated as key measures need to be reevaluated for a variety of reasons.

There are six GAA measures and five key measures that represent all law enforcement program activities, as well as four critical department goal areas: (1) ensure traffic and highway safety; and reduce (2) violent crime, (3) illegal drug abuse and narcotics-related crime, and (4) driving-while-intoxicated (DWI) and alcohol abuse. These measures are insufficient to address the law enforcement program's full operational scope and to account for its diverse impact. They are not valid, as a group, because they do not provide enough coverage to accurately demonstrate the program's progress.

Current measures completely exclude one critical goal – reducing violent crime. They present aggregate, statewide results only for traffic and highway safety and drug-related crime. No department-specific program-level performance results are included. Out of 11 measures total, three GAA and all five key measures disproportionately focus on only one goal area - reducing DWI and alcohol abuse.

The department has an extensive reach throughout New Mexico's public safety community. Because of its diversity, a family-of-measures approach should be used. A set of measures should report activity related to each critical goal area, not just DWI.

All outcome indicators used by the department are good, solid measures. They are comprehensive, results-oriented and benchmarked comparisons of New Mexico's performance with the national averages that provide a valuable background against which to assess the combined efforts of all New Mexico law enforcement agencies. Department management should continue to report and use statewide and regional statistics, as well as other jurisdictions' reported results, to benchmark their own performance and compare the progress of their own activities.

Unfortunately, use of global outcome indicators is limited for budgetary and operational purposes because of the following reasons.

- (1) The federally reported outcome data is not timely. It takes a long time to collect, process, and aggregate, and the results are not available until six months after calendar-year end.

- (2) They do not go far enough. Individual program activities may have a limited impact on statewide outcomes. Additional measures should report outputs or outcomes that can be affected by the department itself.
- (3) They also present challenges. Enforcement and regulatory actions at the federal, state and local levels affect results, as well as other external factors such as the weather and the economy. These effects need to be explained to put statewide results in the proper context.

GAA and key measures are intended to inform legislative decision makers and report program performance and progress periodically so that adjustments can be made and resources can be reallocated, if necessary, to meet projected targets or address emerging issues. If data lags significantly, then the results are not meaningful for either purpose. A legislator looking to allocate funding to the department during the 2006 regular legislative session would have to base any decision on calendar-year 2004 results, and short-term, quick-response program changes would not be possible.

To support the goal of ensuring traffic and highway safety, MTD already has a good, results-oriented outcome measure and comprehensive measure system that can be broken out in multiple ways and reported frequently, allowing local districts to identify and target risks in their immediate area. When committee staff conducted a performance-based budgeting evaluation at the department in April 2002, MTD was singled out for its use of several best practices.

The department internally collects performance data that align with all critical goal areas and many other facets of operation. The committee recommended that the department's measures reflect its diverse areas of responsibility. Some of these activities were included in the quarterly performance report only after the insistence of committee staff. There is no reason that performance results on a broader sample of agency activities cannot be presented in the GAA and incorporated as key measures.

Department activities are not reported by region or district. Crime rates and types of crimes committed vary according to geographic and demographic characteristics. Levels of service provided also vary. In many areas, NMSP serves as the primary law enforcement agency. When the local effort is insufficient, NMSP steps up and takes the actions necessary to provide an adequate level of service. Other areas are covered by local law enforcement, and NMSP provides very limited or no support.

These realities place additional demands on NMSP resources and add a degree of uncertainty about projected workload and resources required to protect citizens and ensure public well-being. Reporting activities on a statewide basis alone does not provide the detail necessary to highlight areas of the state that have special law enforcement needs and thus require additional resource investment.

No property-crime-related activities are reported. In addition, citizen satisfaction and quality of service information is not presented. Rather than providing the minimum required by law, expanded performance reporting indicates a proactive, positive department attitude toward improving service and presents a fuller picture of department efforts to legislators and the public.

**Recommendation.** Adopt additional GAA outcome indicators and key measures that report on the full range of department activities and support all critical goal areas. Report more than one activity or output for each goal. Include explanatory notes to provide detail on external factors that affect outcomes.

For example, in addition to the two current outcome indicators, department activity related to ensuring traffic and highway safety might include explanatory notes to outcome results, if necessary, and two or more output and efficiency measures. A sample is presented below.

- Number of motorist contacts
- Number of warnings issued
- Number of traffic enforcement commercial motor vehicle inspections
- Number of injury traffic accidents investigated
- Number of non-injury traffic accidents investigated
- Number and type of citations issued
- Average accident investigation time, in hours
- Response availability by priority of call

Only include measures if data is readily available and results can be compiled and reported timely.

Account for activities by geographic area, region or district.

Consider reporting property-crime-related activities and presenting information that reflects customer satisfaction and quality of service.

Report and analyze key measure results on a cumulative basis, not in isolation from previous quarters of the same fiscal year. Present prior-year(s) actual performance results for comparative purposes.

**Target-Setting Is Not Adequate.** The department's performance measure target-setting process is not adequate. Four out of five key quarterly law enforcement program measures are based on increased DWI arrests, sobriety checkpoints, patrol saturations and repeat DWI offender arrests. The targets were adjusted by 10 percent each year, carried over for three consecutive years. During the June 14 through 16, 2005, committee hearing, the department itself reported concern that the continued set increases are not reasonable and requested target reductions.

This condition affects measure validity and was previously reported by committee staff in an April 2002 performance-based budgeting evaluation. Targets should not be set so low that it takes no effort to achieve them or so high that staff become discouraged when they fall short.

**Recommendation.** Establish performance measure targets that reflect actual and projected resources and performance and are achievable, rather than adjusting targets by a set percentage from a base year.

**Performance Measures Are Moving Targets.** Frequent introduction of new program measures creates confusion, benchmarking challenges and dilutes accountability. Actual



performance improvement cannot be assessed or tracked because different activities are continually being measured. For example, proposed FY07 law enforcement measures were completely revised. They include only four current FY06 measures and 15 new or reworded measures. Five FY06 measures are not included, four of which are GAA measures. The committee is concerned that some deleted measures are valuable for the budget process, such as methamphetamine lab investigations.

Quarterly performance reporting criteria require agencies to present a four-year history of measurement data. When measures are new each year, benchmarks must be provided. If newly introduced measures are already being tracked internally, then past performance must be evaluated to determine if it is appropriate and reasonable to serve as a benchmark. If a measure is new to the law enforcement program, a four-year history is not available and benchmarking based on past performance is impossible.

**Recommendation.** Develop a stable set of performance measures that accurately reflects activity for all key program and critical goal areas. This will facilitate benchmarking and comply with the committee- and Department of Finance and Administration-recommended quarterly report criteria to allow for presentation of a four-year history of measurement data.

**Reported Results Could Not Be Duplicated.** Reporting inaccurate or incomplete performance results invalidates the entire premise of performance-based budgeting. The initial attempt to re-create reported results from the central officer activity tracking database was unsuccessful. Results could be duplicated for only one of 10 measures. The officer activity database is used to accumulate hours worked and activities performed. According to the quarterly report, it is the source for statistics related to DWI arrests, sobriety checkpoints, and number of DWI arrests. The following table summarizes measures tested and results.

**Table 12. Summary of Measures Tested**

Measure Tested	
1. Total number of DWI arrests	6. No. of methamphetamine/ clandestine labs dismantled
2. Number of repeat DWI arrests	7. No. of crime scenes processed or investigated
3. Number of sobriety checkpoints	8. No. of criminal cases investigated
X 4. Number of narcotics arrests	9. Avg. emergency response time, in minutes
5. Number of undercover narcotic buys	10. Administrative report time, in hours

X = Reported data could be duplicated.

Source: DPS Files

Rather than coming from a single source, reported results are from many different data sources. Motor transportation, special investigations, criminal investigations, narcotics and training each maintain their own separate databases. At best, these dissimilar and incompatible internal databases require that quarterly performance data be manually aggregated and tabulated. In some cases, results are hand counted by staff. Lack of a unified reporting system in the law enforcement program creates inefficiency in an already-taxed police force.

A second attempt was made to duplicate reported FY05 fourth-quarter results using the department's manual system. It was partially successful, but the following exceptions were noted.

- Measure data was incompletely reported. Motor transportation, narcotics and criminal investigations reported activity did not appear to be included.
- Re-created results for the number of sobriety checkpoints and saturation patrols did not match reported results.

- Different activities may be inappropriately combined for reporting purposes. For example, the NMSP-reported measure, number of property damage accidents – non-alcohol related, may not be the same as the motor transportation-reported measure, number of non-injury traffic accidents investigated.

**Recommendation.** Fix the officer activity tracking database to report program-wide information that is acceptable to all users and capable of reporting consistently and completely on all law enforcement program activities. The database should also require that sufficient detailed information be entered for all analytic and reporting purposes. Eliminate hand counting activities and manual collection and tabulation of reported results. Properly define and align activities reported by more than one law enforcement unit, e.g., state police, motor transportation, special investigations, criminal investigations or narcotics.

Revise the activity code definitions and make necessary changes to ensure that all districts understand the definitions and use the codes consistently. Limit the number of activity codes to a more manageable number that are specific to each division using the database. Internally audit the database to ensure correct use.

## **MANPOWER NEEDS: STAFFING AND ALLOCATION**

The Police Allocation Manual (model) is a comprehensive model of best procedures to assist state police agencies in determining appropriate staffing levels and deployment patterns based on:

- Total number of officers required to provide an acceptable level of patrol service, and
- A specified number of officers to be allocated to a geographic region or to a time period to maximize productivity.

The model was created by Northwestern University's Center for Public Safety and is accepted by the National Highway Traffic Safety Administration of the US Department of Transportation. According to the model's creator, it is used by several law enforcement agencies in the United States.

The model uses data related to a police agency whose primary responsibility is patrolling of roadways, which is the primary function of the NMSP and MTD. It takes into consideration established policies, off-duty time and special-duty assignments, such as saturation patrols or checkpoints.

The model is not conducive to staffing and allocation of police officers performing investigative functions, such as the department's criminal and narcotics sections. These functions are not proactive by nature. Instead, the department must deploy its available investigative resources wherever the need arises.

For calendar year 2004, the federal bureau of investigations (FBI) reported statewide crime statistics handled by the department's criminal investigators at 5,554. The department has 57 authorized criminal investigations positions, of which 52 are filled to handle those cases. The FBI did not have statistics on drug-related crimes so it was not possible to report number of cases handled by the 53 narcotics officers.

### **Calculating Number of Officers Needed and Allocated to Districts Based on Adjustments.**

The department made adjustments in how it used the police allocation model. First, it should have reduced hours worked by the regular overtime worked, and used holiday hours granted rather than holiday hours taken. Including overtime and holidays worked in total hours worked for the purposes of determining the number of police officers needed in a given district has the effect of understaffing the district and sends the message that the department would rather have existing officers work overtime than increase the size of the force.

Second, the shift-relief factor is a calculated field, but the department set it at a standard two for all districts. Setting the shift relief factor at a standard two indicates that there are no differences among districts.

Third, the patrol intervals were set at two per shift for interstate highways and twice per day for New Mexico and US-designated roads. Districts with large numbers of road miles to patrol and lower traffic counts may require roads to be patrolled more often than twice per day to ensure the safety of the motoring public. Also, the total number of road miles statewide for New Mexico and US-designated roads was under reported by 2,175 miles, based on data from the Department of Transportation.

Finally, like its Arizona counterpart, the department requested the number of officers it thought could be hired and trained and that legislature would fund, rather than the number that was actually needed.

The number of patrol officers and sergeants needed in each district was recalculated using hours worked reduced by overtime worked. The recalculated results differed slightly from department results; overall, staff size was under estimated by five patrolmen and three sergeants. District-by-district, however, the allocation variances were bigger. Seven districts are understaffed by a total of 21 patrolmen, four districts are overstaffed by 16 patrolmen and one district's allocation is unchanged. The model does not account for subjective factors, such as the number of state buildings in a district or community-policing activities. It is specifically intended for use in determining the staffing and allocation of officers for patrol functions. Table 13 summarizes the calendar year 2004 recalculated patrol allocations for each district.

**Table 13. Officer Allocation and Staffing by District Using Correct Hours Worked and Compared to Authorized Positions**

District #	Patrol Officers			Sergeants		
	LFC Calculation	DPS Calculation	Authorized Positions	LFC Calculation	DPS Calculation	Authorized Positions
1	32	29	22	5	4	4
2	73	69	39	10	10	5
3	56	59	24	9	8	5
4	41	43	23	6	6	4
5	77	73	35	11	10	7
6	35	44	26	5	6	5
7	79	77	43	11	11	7
8	22	22	17	3	3	4
9	62	59	36	9	8	7
10	41	38	25	6	5	5
11	45	47	20	6	7	4
12	37	35	27	5	5	4
<b>Total</b>	<b>600</b>	<b>595</b>	<b>337</b>	<b>96</b>	<b>83</b>	<b>61</b>

Source: LFC Analysis of DPS data

The NMSP's sergeant-to-patrolmen ratio of about 14 percent, or one to seven, appears reasonable, compared to similar ratios for classified employees. As of March 31, 2005, the department's manager-to-staff ratio for classified positions was 7.5 percent. The manager and supervisor-to-staff ratio for classified positions for the same period was about 21 percent.

Currently, the department has established patrol intervals (the frequency with which an officer will pass a given point on the road) for interstate highways at twice per shift (six per day) and for New Mexico and US-designated roads at twice per day. If patrol intervals are increased on interstate highways to four times per shift (12 per day) and on New Mexico and US-designated roads to four times per day to provide better coverage, then the 12 districts are understaffed by 167 officers. Table 14 shows the results.

**Table 14. Officer Allocation and Staffing of by District if Patrols Are Doubled**

District #	Patrol Officers		Sergeants	
	Recalculation	DPS Calculation	Recalculation	DPS Calculation
1	39	29	5	4
2	96	69	14	10
3	68	59	10	8
4	50	43	7	6
5	91	73	13	10
6	42	44	10	6
7	88	77	12	11
8	25	22	4	3
9	81	59	11	8
10	47	38	7	5
11	61	47	9	7
12	48	35	7	5
<b>Total</b>	<b>736</b>	<b>595</b>	<b>109</b>	<b>83</b>

Source: LFC Analysis

Standardizing factors for projection purposes, such as shift relief and patrol intervals, may be acceptable for the department as a whole, but districts with large geographical areas or unique circumstances may not be allocated the correct number of officers.

**Recommendation.** Follow the recommended staffing level and allocation provided by the model even if funding from the legislature may not be available or if the department may not be able to fill all positions, since that provides an accurate picture of the department's needs. Fill the majority of the existing vacancies before requesting an augmentation to the force.

**Inconsistency of Officer Reporting and Design of Officer Activity Tracking Database Affects Data Reliability.** Reporting daily activity varied among districts visited. In one district, most officers turned in their reports daily, which were given to the secretary daily to enter into the database. In another district, officers turned reports in daily to the sergeant, but the reports were given to the secretary in two-week bundles. In yet another district, officers' activity reports were bundled with the two-week attendance reports. Potentially, the remaining nine districts have nine other ways of reporting daily activity to the sergeants and entering it into the database.

The officer activity tracking database contains hundreds of activity codes an officer can use to record time or number of activities. For example, there are 17 different codes for reporting overtime. The codes are so numerous that it creates confusion about which code is the most appropriate to use and when it should be used. Moreover, codes are added so often that officers cannot keep up with them all. Finally, the code numbering sequence does not follow any logical pattern.

This problem is not unique to New Mexico. In June 2004, the Montana Legislative Audit Division reported inconsistent activity coding and definition of patrol time as problems affecting monthly activity.

The data entered into the officer activity tracking database by district administrative staff accurately reflects the activity in the officers' daily activity logs. However, for purposes of the police staffing and allocation model, the data is not necessarily reliable because:

- The database is not designed with a beginning and an ending assignment date for officers;
- District personnel cannot change assignments; and
- Information technology (IT) staff is not updating the database timely.

Examples of improper assignments are:

**Table 15. Officer Assignments**

Officer	Date of Transfer	Transferred To	Database Assignment
1	7/2004	District 2	District 1
2	3/2003	Criminal	District 5
3	1/2005	District 9	District 1
4	1/2005	District 9	District 1

Source: LFC Analysis

As a whole, the department may not be negatively impacted because of the incorrect database assignments. However, individual districts suffer because they may not receive the correct number of officers for the activity they handle.

Department headquarters' staff appears to rely on the officer activity tracking database for CompStat purposes and for reporting NMSP performance measure data. The districts, however, do not rely on it because the data is incorrect compared to their internal statistics that are maintained on separate spreadsheets, which creates more work for the commanding officers. For example, at a CompStat meeting, District 9 reported patrol time of 9,582 hours, while the database showed 25,392 hours; total DWI arrests of 165, while the database showed 230; and fatal accidents of nine, while the database showed 20.

**Recommendation.** Standardize the timeframe in which daily activity reports must be submitted to commanding officers for review and to secretaries for data entry. Revisit the activity code definitions and make necessary changes to ensure that all districts understand the definitions and use the codes consistently. Limit the number of activity codes to a more manageable number that are specific to each division using the database. Arrange the codes logically.

Analyze the database to determine necessary programming changes to:

- Establish beginning and ending officer assignment transfer dates so that districts are correctly credited for the each officer's activity;
- Have the chief's office staff update the database when the transfers actually occur;
- Allow districts the ability to produce meaningful reports based on a date range (daily, weekly, monthly, quarterly, semi-annual, or annual), and by officer, shift, sub-district or district;
- Grant districts the ability to print reports locally, instead of having to request reports from department's IT staff;
- Mandate use by all divisions reporting officer activity, including MTD, criminal, narcotics and special investigations; and
- Streamline the data entry at each district by allowing officers to securely enter daily activity directly into the database.

Immediately, require the IT staff to update the database using the copy of the assignment letter from the chief's office to ensure all assignments are correct. Develop a mechanism that will ensure all transfers are recorded in the database.

## **DPS Response to LFC 2005 Performance Audit**

### **Dated November 14, 2005**

The Department of Public Safety (DPS) preliminary responses (dated November 14, 2005) to the Legislative Finance Committee (LFC) draft audit document dated November 9, 2005 are based on a review of the DRAFT document provided by the LFC, containing only Parts II and III—Background Information and Findings and Recommendations, respectively, and containing a portion of the attachments and exhibits. DPS reserves the right to modify its responses upon receipt of a final audit report from the LFC.

While studies and audits are helpful for assessment of performance and resource allocation and for formulating plans to improve future performance, they may not resolve the real world restrictions and parameters of shrinking resources. DPS is committed to preserving the public safety of all New Mexicans within the limitations of its resources.

## **Part II. Background Information**

## **Part III. Findings and Recommendations**

### **POLICIES, DISCIPLINE AND SUPPORT**

#### **Delays in Reviewing and Approving Policies**

The CALEA process has provided the department with the opportunity to review, develop, delete and combine policies as necessary. Additionally, the Standards Bureau in conjunction with the Office of Legal Affairs maintains logs that track the status of policies from development through implementation.

The Department has already established a committee comprised of division directors to help expedite the review of policies. The Department needs funding for additional legal and administrative/personnel staff to assist in the development and revision of policies.

The additional recommendations will be reviewed.

#### **Letters of Contemplated Personnel Action Are Too General**

Although letters placing employees on administrative leave do not always indicate the reason for the action, the affected employee knows without any uncertainty why he/she is being placed on administrative leave. The duration of the leave is dictated by a variety of factors (e.g. severity of the allegations, complexity and depth of the investigation as well as external forces, waiting for other jurisdictions to complete investigations and decisions by the District Attorney on whether charges will be filed) to name a few.

The additional recommendations will be reviewed.

#### **Grievance Complaint Process Follows Established Process**

The Department will continue to promptly and fairly investigate all alleged acts of discrimination in the work place.

#### **Disciplinary Process Takes Too Long**

As indicated in the report the number of days to complete an investigation should not include the time frame from when the alleged act occurred to when a complaint is filed this greatly skews the results. The Standards Bureau has implemented time frames for investigations to completed, 90 days, unless the size and scope of the investigation warrants additional time. The formal hearing process is influenced by external factors outside the control of the department; however, every effort has been made to expedite the process.

The Department concurs with the need for additional resources to hire or contract hearing officers.

The additional recommendations will be reviewed.

#### **Disciplinary Action Regarding Suspensions Appears Equitable**

We concur with the findings.

#### **Administrative Staffing Appears Adequate**

The Department does not concur with the recommendation. The comparative data does not fully assess the impact of having 24/7/365 day emergency and data center operations for both commissioned and civilian personnel, differences in massive and complex procurements, grant flow-through operations, or the 180 local law enforcement agencies and 1800 users of the Department's communications and network operations.

The Department was reduced by 19 support positions in 1998; it realized a 30 percent workload increase from the transfer of MTD to DPS; and a 40 percent increase in commissioned State Police officers from 1998 to 2001. In April 2005, the Department assumed fiscal responsibility for the processing of millions of dollars in Homeland Security awards, including nearly all procurements for local governments.

Double-digit vacancy factors do not allow the Department to operate at full staffing levels.

#### **Additional Financial Training May Be Necessary**

The Department appreciates the acknowledgement of a 0.5% negligible manual warrant rate in the processing of 44,421 warrants in an 18 month period. The Department has consistently received favorable audit opinions for nearly a decade.

The department concurs with the recommendation for additional training and is currently in the process of developing a training program for department employees. While the Department strives for no errors, it should be noted that the Department of Finance and Administration re-evaluated the standard for FY05, which has been adjusted to three percent, the approximate FY04 error rate for the Department.

#### **Compliance Reviews are a Proactive Tool To Improve District Performance**

The Department continues to improve upon its evidence tracking systems.  
The additional recommendations will be reviewed.

### **RECRUITMENT, COMPENSATION AND RETENTION**

#### **Recruitment**

The expectations of a state police officer differ significantly from that of a municipal police officer. The structure of the academy places emphasis on the necessity that NMSP officers are able to perform their duties with little supervision and are able to function with the added stress of being the only officer on scene in the many remote areas of the state. The department has explored lateral programs; however, the interest from experienced police officers has been minimal. The Department recognizes the need to review this initiative again as an alternative to the current hiring process.

The additional recommendations will be reviewed.



## Compensation

The Department concurs that the compensation plan for officers should be updated to consider a myriad of issues, including a review of the recommendations in the audit. The Department has presented a compensation plan for all commissioned employees to the LFC in each of the past two years and will present a compensation plan to the committee again this year. The Department will ask for legislative support the request to be proposed later this year.

- Compensation – although the observations on salaries compared to other states are generally correct, the just completed surveys based on average salaries indicate NMSP pays on average below Utah, not above. Salaries in the 8 comparator states range from \$35,500 to \$59,000, not the narrower range provided in the report.
- Recruit pay – NMSP recruits make only \$7.259/hr. and with overtime at 1 ½ make only \$10.89 in overtime hours. Recruits work a minimum of 1243 hours of instruction time, with the recent recruit class working just under 1300 hours on average. At \$7.259/hr for 40 hours per week and the remainder of overtime hours at \$10.89 per hour, the average is \$8.855/hr. Current recruit pay is far below the 8 state comparator market and far below the lowest in-state comparator city/county. This has been acknowledged by the Department and is being incorporated into the FY07 Compensation Plan and FY07 budget request, which includes a competitive recruit pay and revisions to the current recruit school format and hours-worked approach.
- Bilingual pay is being surveyed and considered for future pay plans.
- The comparisons of NMSP to APD salaries are well-intended, but incomplete. APD provides longevity pay, which is not included in this discussion. In addition, the rank of “senior” patrolman for NMSP is not a “promotion” but is a continuation of the step structure of movement for NMSP. Overall, however, the point in fact is that NMSP, MTD and SID pay is significantly behind in-state and out-of-state market comparators.

As noted, effective January 1, 2008, promotion to the rank of Captain will require a minimum of two years of satisfactory service as a Lieutenant, a bachelor’s degree from an accredited university or college and compliance with job specification requirements. It is further noted that, “Seventy-eight percent of the officers surveyed by the New Mexico State Police Association indicated that a college degree should not be required to hold a position of rank.”

The legislative body sponsored and passed legislation requiring New Mexico State Police officers “...at the time of their appointment: (1) have completed not less than sixty hours of college credit; or (b) have completed not less than thirty hours of college credit and, no later than two years following appointment, have completed not less than an additional thirty hours of college credit...” Legislation such as this is a bold move by our governing body to emphasize the value of education in the law enforcement profession. This is a trend that is embraced across the country. Quite frankly, the survey noted in the audit report by the New Mexico State Police Association illustrates the need for an education requirement at the management level. It is generally argued that a college degree does not make a better officer or a better manager; however, post-secondary education arguably broadens an individual’s perspective on a wide spectrum of issues.

It is not the intent to replace or devalue an employee’s contribution to the agency, but to enhance our collective value to the public we serve. New Mexico State Police currently supports a tuition reimbursement program (PRS:02:00) where employees are eligible to be reimbursed for twelve (12) semester hours in any fiscal year, or six (6) credit hours in a single term. In addition, employees who are approved for this program are eligible for up to four (4) hours of educational leave with pay per week while enrolled in eligible coursework. Finally, incentive pay is awarded in the amount of \$100 per month for those possessing a bachelor’s degree and \$125 per month for those with a master’s degree.

New Mexico State Police Training and Recruiting has partnered with Santa Fe Community College, San Juan Community College, Northern New Mexico Community College, Mesa Lands Community College among other institutions of higher learning in a collaborative effort to credit New Mexico State Police officers through an articulation agreement a maximum of thirty (30) college credit hours for New Mexico State Police academy time. New Mexico State Police Training and Recruiting has sponsored executive training through Northwestern University Center for Public Safety, School of Police Staff and Command and the Federal Bureau of Investigation National Academy, each program offering 21 and 16 college credit hours, respectively. Other courses such as

Speech and English Composition have been sponsored by the agency allowing employees to benefit at no out of pocket cost to them and for a fraction of the time normally required. This is an initiative that the organization will continue to not only support, but enhance as funding becomes available.

The education requirement for Lieutenants and Captains is reasonable given the fact that many colleges and universities offer accelerated programs, on-line. The agency provides laptop or personal computers allowing employee access to a number of programs around the country. It is with great hope that the legislative body increase funding in support of the tuition reimbursement program, allowing employees the opportunity to broaden their intellectual perspectives and to relish the self-satisfaction of achieving such a worthwhile goal. In the end, it is argued that a more educated management might be more successful at meeting the needs of a more educated and informed public. The future of any organization is contingent on its ability to adapt to the environment. The education requirement is not only an investment towards the future of our organization, but the future of our citizens and ultimately their quality of life.

The TOOL report, showing compa-ratios of 60%, is simply incorrect. I had previously noted it & identified the problem to be corrected in the SHARE project, as HRS team at GSD is not making changes to the current system.

The "midpoint" of the Patrolman step series is \$19.72/hr. The starting pay of 16.504/hr is 82.7% of the midpoint (compa-ratio), not 60% of the midpoint. In addition, this is a compa-ratio off of the current midpoint, but the current midpoint does not represent the "position's market value." Theoretically midpoint would represent this, but, as is demonstrated in your own market data, as well as mine, the current midpoint is far behind the actual market value. In addition, although an officer is referred to as "senior" after 5 years, there is no "promotion" at that point, just a continuation along the steps per year of satisfactory service. Step 6 (5 years) is currently paid at \$39,477, with the beginning "senior" step, step 7, paid at \$40,507.

### **Retention**

The Department recognizes the importance of retention of its employees and works diligently to provide leadership, resources and working conditions that foster a healthy working environment; however, to state **"Over half of the individuals leaving NMSP may be doing so because of poor working conditions. . ."** without any factual basis is a leap at best. Additionally, the Department believes that it does **"hire right to begin with"** and **"live the values"**.

The Department believes that statements in this section with regard to the New Mexico Police Association Survey are misleading and unclear. The percentages referencing dissatisfaction with Departmental management are "specific to the number of survey respondents ONLY", not to the total number of surveys mailed or to the total membership of police. The audit should clarify the data used.

The additional recommendations will be reviewed.

## **PERFORMANCE MEASURES**

### **Performance Indicators Should Be Reevaluated.**

The department continually evaluates performance indicators through a variety of ways, specifically, through the Comp Stat process which directs commanders in each state police district to develop strategies to address the law enforcement and community needs. The effectiveness of this process is demonstrated by a reduction of criminal and traffic related activities. The overall reduction in crime is hard to measure since the LEP only investigates approximately 4% of the total crime in the state; however, in those areas where the state police is the primary law enforcement provider, such as Pecos and Edgewood, the impact on crime is evident based on the responses provided by citizens and community and governmental leaders at the various village and county commission meetings attended by state police staff.

### **Target-Setting Is Not Adequate.**

The Department concurs in part. The Department should have the ability to adjust the measures based on the needs of the state and the resources available to address each measure. DPS is attempting to accurately project

achievable performance measures taking into consideration the current issues affecting performance both internal and external.

**Performance Measures Are Moving Targets.**

The Department has been more than open to recommendations from the LFC and DFA when it comes to adding or deleting measures; however, as stated in the report, when different activities are being measured the historical data may not be available. DPS strives to provide the LFC and DFA with complete and accurate information so that actual performance improvement may be assessed.

The additional recommendations will be reviewed.

**Reported Results Could Not Be Duplicated.**

The report indicates that the officer activity database is not used to prepare the quarterly report. The report is inaccurate. Nearly 90% of all the data contained in the quarterly report comes directly from the officer activity database. Additionally, the report states that measure data was incompletely reported for MTD, narcotics and criminal investigations. This statement is inaccurate. The quarterly report is an aggregate of the activity generated by the entire Law Enforcement Program without exception taken primarily from the officer activity database.

The additional recommendations will be reviewed.

**MANPOWER NEEDS: STAFFING AND ALLOCATION**

**Inaccuracies in Calculating Number of Officers Needed and Allocated to Districts**

DPS concurs with the findings and will report the recommended staffing level and allocation provided by the model; however, to state that the department did not use the Police Allocation Model correctly is inaccurate and misleading; the intended design of the PAM formula was not manipulated. The only adjustments the Department made when calculating the manpower needs were to the patrol frequency intervals and the shift relief factors. Additionally, the Department considered the subjective variables. Even with these minor modifications, the differences in the overall staffing level utilizing the auditors approach as opposed to the department's approach are minimal.

The additional recommendations will be reviewed.

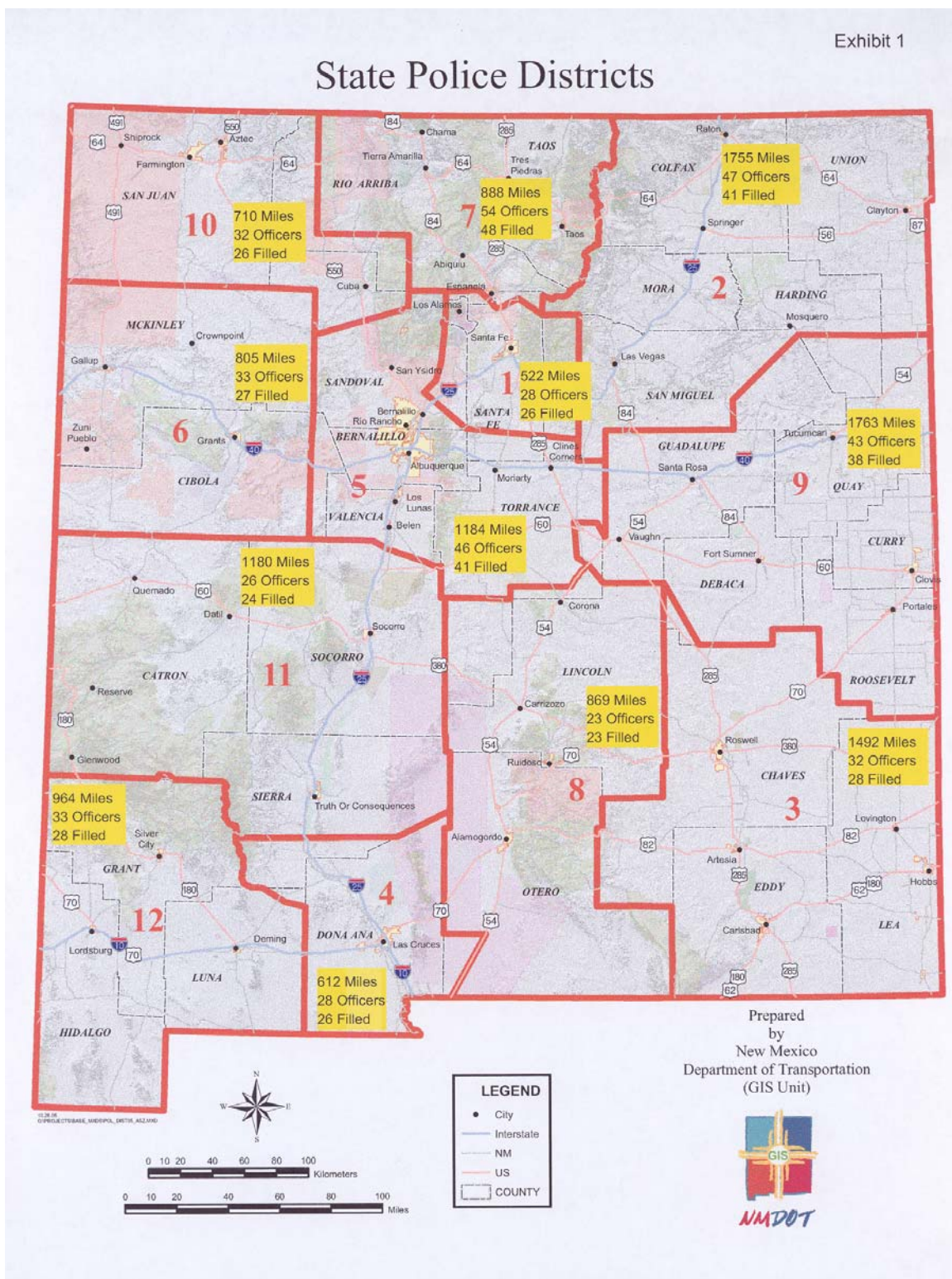
**Inconsistency of Officer Reporting and Design of Officer Activity Tracking Database Affects Data Reliability.**

We concur that the design of the officer activity database is flawed as it relates to the transfer of officers from district to district and within the bureaus as well. DPS will correct this issue as soon as possible; however, as to the reliability of the reporting of the data, there is only one way to enter and report data. The time frame for data entry may vary by district; however, the impact on the reliability of the data is negligible. Allowing officers to enter data directly into the database would require that each officer leave his respective patrol to complete this task, thus taking away from the already critical lack of non-obligated time that allows officers to engage in proactive policing.

The additional recommendations will be reviewed.

Exhibit 1

## State Police Districts



**DEPARTMENT OF PUBLIC SAFETY  
LIST OF POLICIES**

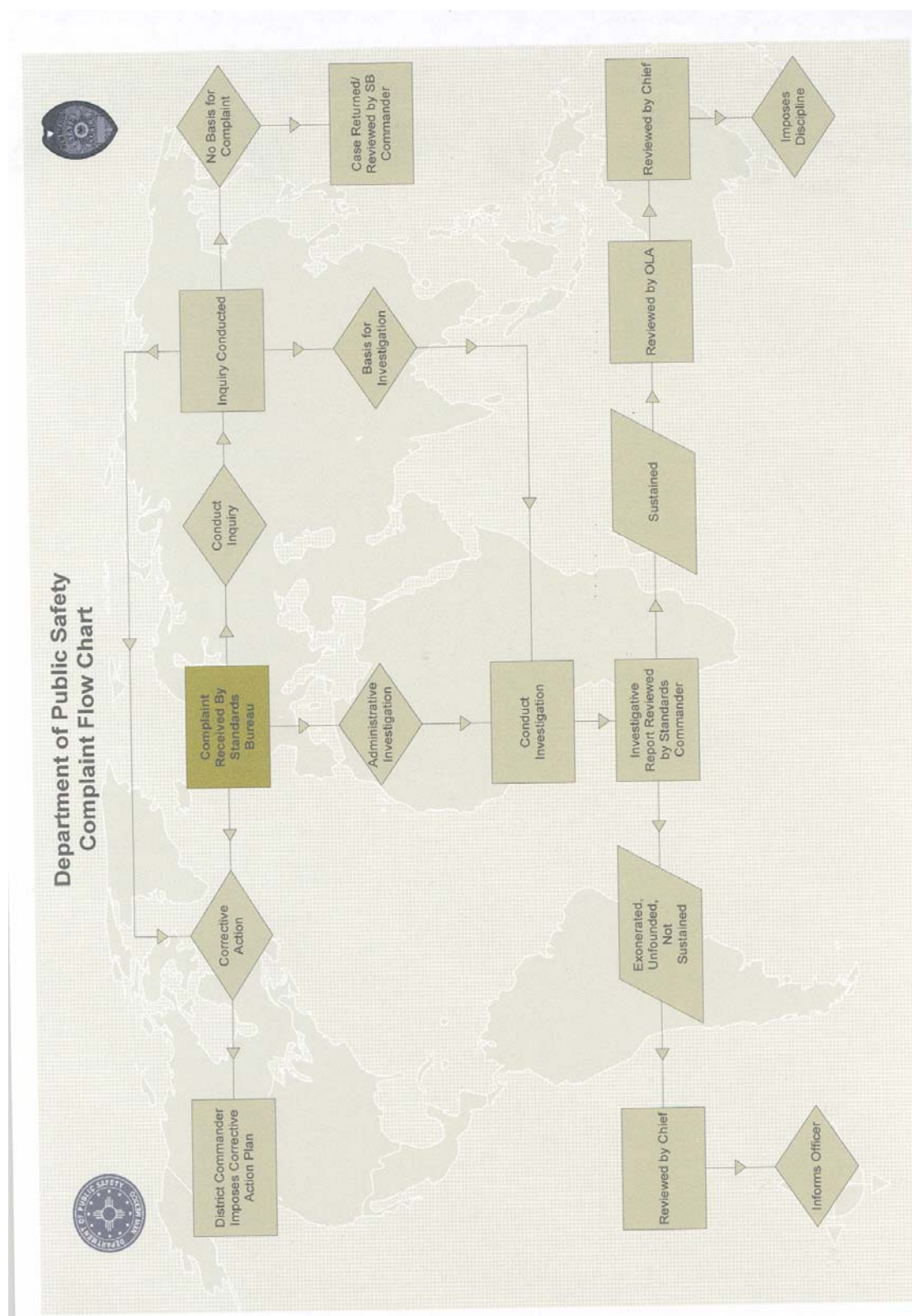
**EXHIBIT 2**

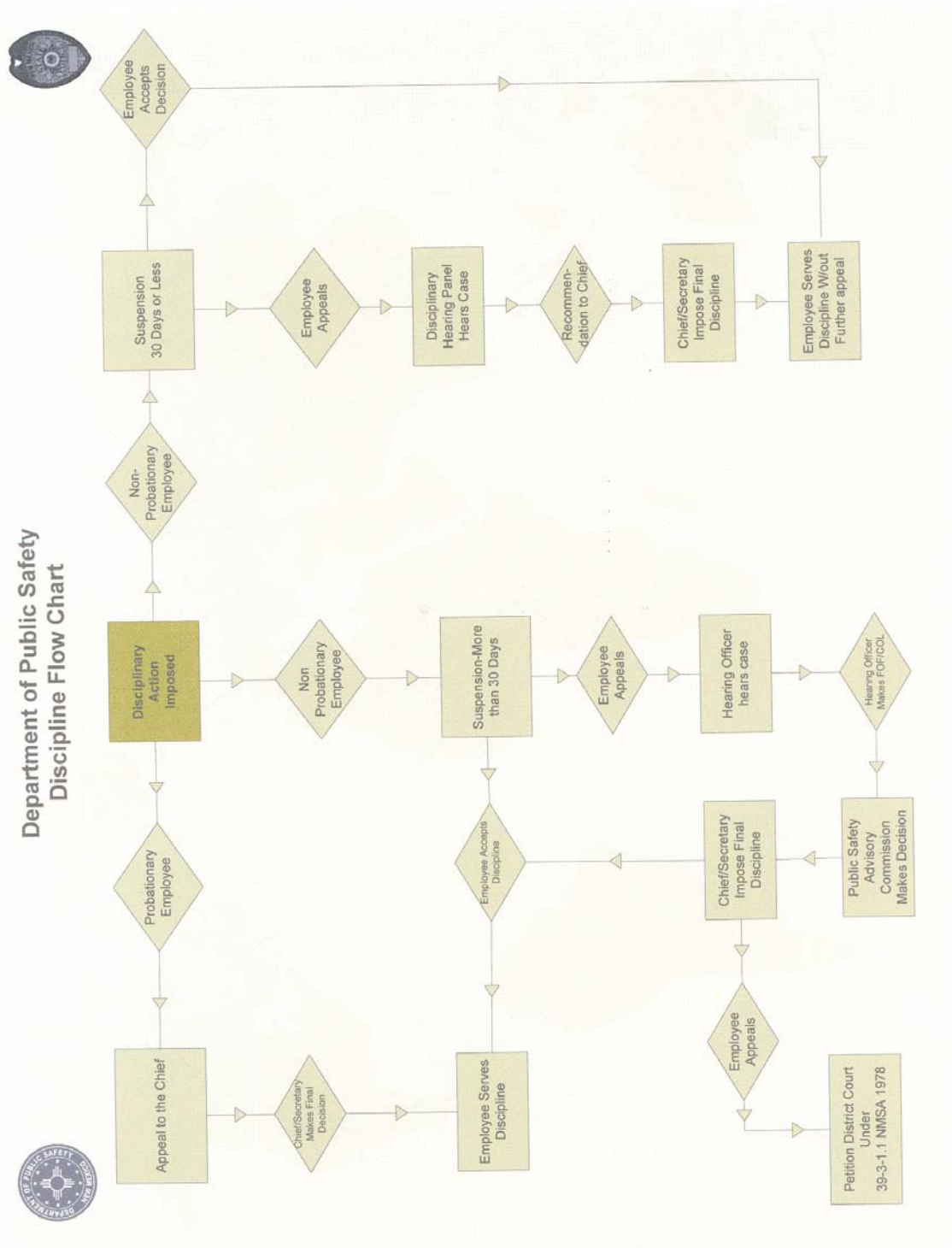
POLICY NUMBER AND TITLE			TO DIR.	TO LEGAL	Per Log at Legal	Secretary Approved
ADM: 01	POLICIES AND PROCEDURES	NEW	DONE mv	DONE		11/10/2004
ADM: 02	UNASSIGNED					
ADM: 03	GRIEVANCE POLICY		1/11/2005	3/11/2005		
ADM: 04	INTERNAL AFFAIRS POLICY	CHGD	1/11/2005	10/3/2005		
ADM: 05	INTERNAL AUDITING POLICY		1/11/2005			
ADM: 06	VEHICLE USAGE POLICY		1/11/2005	2/17/2005	3/20/2005	
ADM: 07	EQUAL EMPLOYMENT POLICY		1/18/2005	3/11/2005		
ADM: 08	CLOTHING ALLOTMENT POLICY		1/18/2005	3/11/2005	8/2/2005	
ADM: 09	TOBACCO USE POLICY		1/27/2005	2/17/2005		
ADM: 10	RESPONSIBILITY REQUEST FOR KEYS		1/27/2005	3/9/2005	8/2/2005	
ADM: 11	AUDIT OF SUB RECIPIENT PROGRAMS		3/11/2005			
ADM: 12	JURY/WITNESS FEES POLICY		2/17/2005	3/11/2005	8/2/2005	
ADM: 13	CARRYING OF FIREARMS POLICY	CHGD	12/15/2004	1/20/2005		7/19/2005
ADM: 14	FLEXIBLE WORK SCHEDULES		1/27/2005	2/17/2005	2/18/2005	
ADM: 15	PHYSICAL FITNESS TIME		3/9/2005			
ADM: 16	PHYSICAL FITNESS TIME/STATE POLICE	CHGD	1/4/2005	1/26/2005	8/26/2005	
ADM: 17	MAINTENANCE REQUEST					
ADM: 18	FLEET ACCIDENTS		2/24/2005			
ADM: 19	INVENTORY SYSTEM					
ADM: 20	FEDERAL ASSET SHARING					
ADM: 21	VEHICLE INVENTORY CHANGED TO OPR: 38					
ADM: 22	ACCOUNTING OF PROPERTY	NEW				
ADM: 23	COORDINATION OF GRANTS		12/23/2004	2/17/2005	4/1/2005	4/1/2005
ADM: 24	STATE POLICE UNIFORMS					
ADM: 25	LOSS CONTROL PROGRAM	NEW				
ADM: 26	STANDARD OF CONDUCT		3/11/2005	3/29/2005	9/29/2005	
ADM: 27	PERSONNEL RELOCATION EXPENSES		3/11/2005	3/29/2005	8/2/2005	
ADM: 28	MEDALS AND AWARDS			9/23/2005		
ADM: 29	ACCESS TO DEPARTMENT OWNED EQUIPMENT	NEW		10/17/2005		
ADM: 30	TOOL ALLOWANCE					
ADM: 31	INFORMATION SYSTEMS USER POLICY SUPERCEDED BY ADM: 32					
ADM: 32	COMPUTER NETWORK SECURITY					
ADM: 33	CONTRACTS, JOINT POWERS AND MOU'S	NEW	12/28/2004	2/24/2005		6/3/2005
ADM: 34	SEXUAL AND RACIAL HARASSMENT POLICY					
ADM: 35	IDENTIFICATION BADGE		1/18/2005	3/11/2005		
ADM: 36	INVESTIGATION AND RESOLUTION OF COMPLAINTS					
ADM: 37	NOT ASSIGNED					
ADM: 38	FEES FOR OFFENSE INCIDENT REPORTS/ACCIDENT REPORTS					
ADM: 39	NM SEX OFFENDER APPREHENSION PROGRAM SOAP					
ADM: 40	FRONT DOOR PROCEDURES	NEW	2/17/2005	3/11/2005	4/22/2005	6/3/2005
ADM: 41	CLOSURE OF POLICY	NEW				
ADM: 42	PROCUREMENT CARD PROGRAM					4/15/2003
BGT: 01	BUDGET REQUESTS					
BGT: 02	OPERATING BUDGET					
BGT: 03	INTERNAL BUDGET ALLOCATIONS					
BGT: 04	BUDGET ADJUSTMENTS REQUESTS					
FIN: 01	FIXED ASSET ACCOUNTING					
FIN: 04	PROCESSING TRAVEL REQUESTS AND PER DIEM PROCEDURES					
OPR: 01	USE OF FORCE	CHGD	5/9/2005	6/1/2005		
OPR: 02	INTELLIGENCE COLLECTION	Rescind				
OPR: 03	INTELLIGENCE RETENTION AND MAINTENANCE	Rescind				
OPR: 04	INTELLIGENCE DISSEMINATION	Rescind				
OPR: 05	HOLLOW SPIKE BELT AND STOP STICK		3/15/2005	3/29/2005	8/2/2005	
OPR: 06	OFFICER/EQUIPMENT INSPECTIONS		5/3/2005	7/19/2005	8/2/2005	
OPR: 07	DISASTER ASSISTANCE					
OPR: 08	VEHICLE PURSUIT		3/15/2005	3/29/2005		
OPR: 09	RESIDENCY REQUIREMENT		3/15/2005	3/29/2005	8/2/2005	
OPR: 10	STING OPERATIONS	CHGD	3/15/2005	3/29/2005		
OPR: 11	ANALYTICAL SERVICES					
OPR: 12	EXPOSURE CONTROL PLAN		5/12/2005	7/19/2005		
OPR: 13	ROADBLOCK RESTRICTIONS	CHGD		9/28/2005		
OPR: 14	WEARING OF PROTECTIVE VESTS	CHGD	5/12/2005	6/1/2005		5/17/2004
OPR: 15	PREMISE INSPECTION LIQUOR/GAMING	CHGD				
OPR: 16	VEHICLE STICKER DECALS					
OPR: 17	EVIDENCE POLICY					
OPR: 18	ACCIDENT RECONSTRUCTION					
OPR: 19	USE OF RECORDING DEVICE					
OPR: 20	CANINE UNIT					

OPR: 21	SEARCH AND RECOVERY TEAM					
OPR: 22	TACTICAL TEAM					
OPR: 23	HONOR GUARD	NEW				
OPR: 24	PEER OFFICER SUPPORT TEAM		7/22/2005			
OPR: 25	SHIPMENT OF HAZARDOUS MATERIALS			10/17/2005		
OPR: 26	LATERAL ENTRY PROPOSED	NEW				
OPR: 27	CITIZEN POLICE ENCOUNTER					
OPR: 28	OFFICE OF EMERGENCY SERVICES AND SECURITY					
OPR: 29	INVESTIGATION OF USE OF DEADLY FORCE IN DEATH AND INJURY					
OPR: 30	SEARCH WARRANTS AND SEARCHES	NEW				
OPR: 31	DIGITAL IMAGERY	NEW				
OPR: 32	BIKE	NEW				
OPR: 33	CRIME ANALYSIS	NEW				
OPR: 34	ARREST POLICY	NEW	12/15/2004	1/18/2005	10/4/2005	
OPR: 35	FORMS MANAGEMENT	NEW				
OPR: 36	CHILD ABDUCTION	NEW				
OPR: 37	IMMIGRATION	PRPSD				
OPR: 38	VEHICLE INVENTORY CHANGE FROM ADM: 21					
OPR: 39	CRIMINAL	NEW				
OPR: 40	CRIME SCENE	NEW				
OPR: 41	TRAFFIC PROCEDURES	NEW				
OPR: 42	PATROL PROCEDURES	NEW				
OPR: 43	AMBER ALERT					
OPR: 44	DEALING WITH MENTALLY ILL	NEW				
OPR: 45	TRAFFIC CRASH INVESTIGATIONS	NEW				
OPR: 46	NARCAN	NEW				11/4/2004
OPR: 47	VEHICLE TOWING	NEW	3/24/2005	5/3/2005	8/2/2005	
OPR: 48	MATERNITY/PATERNITY	PPSD	7/21/2005			
OPR: 49	ORGANIZATION	PPSD				
PRS: 01	STATE POLICE REINSTATEMENT			10/17/2005		
PRS: 02	TUITION REIMBURSEMENT					
PRS: 03	PROMOTIONAL STANDARDS	CHGD	12/15/2004	1/18/2005	9/15/2005	9/15/2005
PRS: 04	FITNESS FOR DUTY	NEW		10/17/2005		
PRS: 05	INACTIVE PERSONNEL FILES			9/23/2005	9/29/2005	
PRS: 06	DRUG AWARENESS POLICY					
PRS: 07	DRUG ALCOHOL TESTING					
PRS: 08	STATE POLICE LEAVE					
PRS: 09	OVERTIME COMPENSATION		12/22/2004		10/14/2005	
PRS: 11	DUTY INJURY			9/25/2005		
PRS: 12	DEMOTION			9/28/2005	9/29/2005	
PRS: 13	PATROLMAN LEVELS	Rescind				
PRS: 14	HOLIDAY DUTIES			8/18/2005		
PRS: 15	AUTHORIZED LEAVE					
PRS: 16	OFFICER PAY PLAN					
PRS: 17	REHABILITATION AND SANCTIONS			10/17/2005		
PRS: 18	RESIGNATIONS					
PRS: 19	LIMITED DUTY			9/28/2005	9/29/2005	
PRS: 20	PERSONNEL FILES			9/28/2005		
PRS: 21	OMNIBUS DRUG AND ALCOHOL TESTING					
PRS: 22	EDUCATIONAL INCENTIVE PAY			10/17/2005		
PRS: 23	SPECIALTY TEAM INCENTIVE PAY					
PRS: 24	AMERICANS WITH DISABILITY	NEW				
PRS: 25	WORKMAN'S COMP	NEW				
PRS: 26	CLASSIFIED EMPLOYEES COMPENSATION PLAN					
PRS: 27	PERFORMANCE APPRAISAL					
PRS: 28	EMPLOYEE SELECTION PROCESS	NEW				
PRS: 29	DONATION OF ANNUAL LEAVE					
PRS: 30	DOMESTIC VIOLENCE					
PRS: 31	INCLEMENT WEATHER		Done mv	Done mv		12/29/2004
PRS: 32	AUTOMATED TIME SHEETS					
PRS: 35	OVERTIME COMPENSATION - NMSP, SID, COMMISSIONED	NEW		3/9/2005	10/4/2005	
PRS: 10	HOLIDAY COMPENSATION					
TRG: 01	USE OF TRD FACILITIES					
TRG: 02	TRAINING TUITION REIMBURSEMENT					
TRG: 03	PSYCHOLOGICAL COUNSELING EVALUATION					

L.E.P. Program only









### Recommended Statutory Language

29-2-11. Disciplinary proceedings; appeal. (1999)

A. No officer of the New Mexico state police holding a permanent commission shall be removed from office, demoted or suspended except for incompetence, neglect of duty, violation of a published rule of conduct, malfeasance in office or conduct unbecoming an officer, except as provided in this section. Probationary officers not holding a permanent commission may be removed from office, demoted or suspended in accordance with New Mexico state police rules.

B. The secretary may suspend an officer for disciplinary reasons for not more than thirty days in accordance with New Mexico state police rules~~[- Any officer holding a permanent commission who is suspended by the secretary has the right to have the suspension reviewed by the commission, but]~~ without further review or appeal.

C. In the event the officer holding a permanent commission is ~~[to be]~~ removed from office, demoted or suspended for a period of more than thirty days, the Secretary will provide written notification of the grounds supporting such action. ~~[specific written charges shall be filed with the commission. Timely and adequate notice of the charges to the person charged shall be provided and a prompt hearing on the charges shall be held by the commission. The person charged has the right to be represented by counsel of his own choice and at his own expense at the hearings. A complete record of the hearing shall be made and, upon request, a copy of it shall be furnished to the person charged. The person may require that the hearing be public.]~~ An officer so demoted, suspended or removed from office may, within thirty days after the demotion, suspension or removal from office, appeal to the commission. This appeal process shall be public and in accordance with New Mexico state police rules.

D. In the event the commission finds that ~~[the person charged shall be removed, demoted or suspended for a period in excess of thirty days;]~~ there is just cause to support the removal, demotion or suspension of more than thirty days the ~~[person]~~ officer may appeal from the decision of the commission to the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978.